

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X **Docket#**
UNITED STATES OF AMERICA, : 10-cr-594 (ERK)
:
: U.S. Courthouse
- versus - : Brooklyn, New York
:
JOSEPH YANNAI, :
Defendant : May 24, 2011
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TRANSCRIPT OF CRIMINAL CAUSE FOR JURY TRIAL
BEFORE THE HONORABLE EDWARD R. KORMAN
UNITED STATES SENIOR DISTRICT JUDGE

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Proceedings

1 THE CLERK: Judge, shall I bring in Juror
2 Number 4?

3 THE COURT: Yes.

4 (Juror Number 4 enters the courtroom.)

5 THE CLERK: Juror Number 4, Judge.

6 THE COURT: You have a problem? Do you have a
7 problem?

8 JUROR NUMBER 4: The getting out at 6 o'clock,
9 I don't have anyone to pick my daughter up. I live in
10 Staten Island and I got home until 7:30 last night.
11 She's in school. The school had to keep her until 7:30.
12 I dropped her off at 7:30 in the morning. When we --
13 when we got picked for this, the clerk said 9:00 to 5:00,
14 which is not a problem.

15 THE CLERK: Judge, I think the record should be
16 clear. I spoke with the Magistrate Pollak's clerk this
17 morning. He said that in the jury room when the jurors
18 asked when would we be sitting, he said he did not know
19 Judge Korman's procedures. He said that Judge Pollak
20 would not be sitting past 6 -- 5:30.

21 THE COURT: Well, that's not the only reason
22 you gave my case manager yesterday.

23 JUROR NUMBER 4: I don't think I can be fair in
24 this case.

25 THE COURT: Well, you knew what the case was

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1 about before. This is not a surprise. The Magistrate
2 told you what the case was about.

3 JUROR NUMBER 4: Yes.

4 THE COURT: And when did you decide you
5 couldn't be fair?

6 JUROR NUMBER 4: After I heard the testimony of
7 the second young lady.

8 THE COURT: Well, if it were just the time, I
9 would let you go. I would just arrange the schedule
10 but --

11 JUROR NUMBER 4: Can I leave at 5:30 and come
12 in earlier and look over the transcripts for the half
13 hour that I missed?

14 THE COURT: No, but if you would have said --
15 you see, I don't think you're telling the truth about
16 that you can't be fair. But once you tell me that, I
17 can't do anything about it. If you just said you wanted
18 me to adjourn at 5:30, I would have adjourned at 5:30.

19 JUROR NUMBER 4: But I did say something
20 yesterday morning before court.

21 THE COURT: Well, she told me you said it would
22 be okay to stay until 6:00 and I adjourned by 6:00, if
23 not before. I don't remember exactly. But since you
24 threw in the fact that you couldn't be fair anymore, my
25 hands are tied. You are excused.

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1 JUROR NUMBER 4: Thank you.

2 (Juror Number 4 excused.)

3 MR. SCHNEIDER: Judge, could we just make sure
4 there's no conversation between the jurors.

5 THE COURT: She's leaving right now.

6 THE CLERK: She won't be back. I had her bring
7 all of her stuff with her.

8 THE COURT: Now I am going to be down to one
9 alternate and he says his wife gave him an airline
10 ticket.

11 MR. SCHNEIDER: Two -- we'll be down to two.

12 THE COURT: We'll be down to two and one says
13 his wife gave him an airline ticket for his birthday, for
14 when?

15 THE CLERK: He's leaving on the 26th, Judge,
16 but I haven't looked at the tickets.

17 THE COURT: Well, we can reimburse him for it.
18 I don't know whether you want to go with one alternate
19 juror.

20 MR. SPECTOR: No, Judge. There's too much risk
21 at that point.

22 THE COURT: Okay. All right. Bring in the
23 jury.

24 THE CLERK: Do you have your witness, counsel?
25 Put her on the stand.

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1 Do you want me to swear in your interpreter or
2 she's already been sworn?

3 MS. JAGER: I think in an abundance of caution,
4 we should swear her in.

5 THE CLERK: Not a problem.

6 MS. JAGER: Thanks.

7 THE COURT: Wait till the jury comes in.

8 Please be seated.

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1 Ms. Stenzel - Direct - Ms. Stone

2 (Jury enters the courtroom.)

3 THE CLERK: Please be seated.

4 **V A N E S S A S T E N Z E L ,**

5 **called as a witness, having been first duly sworn,**
was examined and testified as follows:

6 THE CLERK: Could you state your name for the
7 record.

8 THE WITNESS: Vanessa Stenzel.

9 THE COURT: Could you push your chair closer to
10 the microphone.

11 (INTERPRETER SWORN.)

12 THE CLERK: And please state your name for the
13 record.

14 THE INTERPRETER: Gisela Brett.

15 DIRECT EXAMINATION

16 BY MS. STONE:

17 Q. Good morning. Ms. Stenzel, can you tell us your full
18 name and where you live?

19 A. Vanessa Jasmine Stenzel and I live in Dortmund.

20 Q. And where is that?

21 A. Dortmund is situated -- it's located in Germany and
22 it's not too far from Dusseldorf.

23 Q. And can you tell us what your educational background
24 is?

25 A. First I went to elementary school. Then I continued

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1 on in high school up to the eleventh year. I could have
2 made -- taken an additional exam at that school but I
3 decided not to, so I switched to another school where I
4 then finished my high school education.

5 Q. And Ms. Stenzel, how well do you speak English?

6 A. Right now, I would say so-so.

7 Q. Are you more comfortable speaking with the assistance
8 of the German interpreter?

9 A. Yes.

10 Q. Now when you finished the German equivalent of high
11 school, did you look for a job?

12 A. Yes.

13 Q. And what type of job did you look for?

14 A. I looked for an au pair job.

15 Q. And how old were you?

16 A. Eighteen, nineteen.

17 Q. And at the time, who were you living with?

18 A. I lived with my parents.

19 Q. And could you tell us what your parents did for a
20 living to support the family?

21 A. My mom worked in a nursing home, part-time because I
22 have smaller siblings. And my father worked -- works
23 for a construction company.

24 Q. And how many younger siblings do you have?

25 A. Two.

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1 Q. Now you just told us you looked for a job as a au
2 pair. Can you describe what you did to look for a job?

3 A. I established a profile of myself on a website, a
4 website where families could go looking for an au pair
5 girl and au pair girls could look for a family.

6 THE COURT: Could I interrupt for a second? We
7 didn't fill the seat. Juror Number 4 has been excused.
8 So would the next alternate --

9 THE CLERK: Alternate Number 1.

10 Q. I'm sorry, could you continue describing the website
11 where you posted the profile?

12 A. Some parts of the website were green.

13 Q. Let me ask you another question, Ms. Stenzel.

14 THE COURT: Can you speak any English?

15 THE WITNESS: Some.

16 THE COURT: Because if you can, I might want to
17 have you perhaps answer the question. If you need the
18 help of an interpreter, either to answer the question or
19 if you don't understand something, I'll be happy to have
20 her assist you because it just -- everything has to be
21 repeated if we do it this way. If you don't feel
22 comfortable, I will just continue. So, just let me know.

23 THE WITNESS: If you prefer it that way --

24 THE COURT: Well, let's try it. If it doesn't
25 work, we'll go back. If you would, move the microphone

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1 closer to her.

2 MR. SPECTOR: Judge, could we be heard at the
3 side-bar for a minute?

4 THE COURT: No.

5 Q. Ms. Stenzel, why did you want to be an au pair?

6 A. I have two children and two sisters and yeah, this au
7 pair jobs were -- had been very interesting for me.

8 Q. And what did you think you would learn by being an au
9 pair?

10 A. To improve my English more.

11 Q. And when you looked for a job, did you get an e-mail
12 from anyone named Joanna?

13 A. Yes.

14 Q. And eventually, did you receive any e-mails from the
15 defendant, Joseph Yannai?

16 A. Yes.

17 MS. STONE: Your Honor, may I approach the
18 witness?

19 THE COURT: Yes. You don't have to ask me,
20 just do it.

21 Q. Ms. Stenzel, can you take a look at the e-mails that
22 I just showed you? Do you recognize these e-mails?

23 A. Yes.

24 Q. Are those the e-mails that you exchanged with Joanna
25 and the defendant?

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1 A. Yes.

2 MS. STONE: Your Honor, I would move the e-
3 mails into evidence at this point. They are marked as
4 Government Exhibit's 700 to 714.

5 THE COURT: Any objection? Any objection?

6 MS. CESARE: No objection, your Honor.

7 THE COURT: They're admitted.

8 (Government's Exhibits 700 through 714 marked in
9 evidence.)

10 Q. Ms. Stenzel, you can put those aside.

11 Now I am going to show you the first e-mail here that
12 was exchanged between you and Joanna. If it could just
13 be shown to the witness, please. Do you recognize this
14 e-mail, Ms. Stenzel?

15 A. Yes.

16 Q. And who did you receive it from?

17 A. From Joanna.

18 Q. And who was it addressed to?

19 A. To me.

20 MS. STONE: I would ask that this be published
21 to the jury.

22 THE COURT: All right.

23 Q. Ms. Stenzel, could you read for the jury please the
24 highlighted portion?

25 A. "We are not looking for an au pair, as an au pair is

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1 for children. We are looking for an assistant to my
2 previous boss [for more than two years, I had the same
3 job I am offering you] who is far away from being a
4 child. He's a 63-year-old. The boss is a businessman
5 who operates from home. He has several businesses but
6 concentrates mainly in book publishing in the hospitality
7 industry, records, general hotels and restaurants. He's
8 completely independent, reports not disabled and takes
9 very good care of himself. He's married. His wife is 40-
10 years-old and very hard-working person. You will not be
11 a nurse of a care giver, as he doesn't need one. You
12 will simply be there to make his life easier, make
13 coffee, prepare breakfast and lunch. Dinner, they
14 usually go out, or the wife cooks. Keep the part of the
15 house from which he is working neat and clean, accompany
16 him in all his travels and he travels a lot. In short, a
17 combination of companion, personal helper. If you were a
18 man, it is kind of a butler."

19 Q. And what did you think when you received this e-mail,
20 Ms. Stenzel?

21 A. When I get this e-mail, I thought it was interesting,
22 an interesting offer.

23 Q. What did you think was interesting?

24 A. For I am to work for a businessman was interesting.

25 Q. And at the time, how was your English, Ms. Stenzel?

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1 A. Only school English.

2 Q. And so did you need anything to assist you in reading

3 --

4 A. Yes.

5 Q. -- this e-mail?

6 A. Yes.

7 Q. What did you need?

8 A. A dictionary.

9 Q. And did Joanna in these e-mails that you exchanged
10 with her explain to you what the job would be?

11 A. Yes.

12 Q. What did she tell you about the job?

13 A. To prepare the baths, to clean the house, to travel
14 with him on meetings or on important business trips.

15 Q. And did Joanna tell you anything about herself?

16 A. Yes, a little bit.

17 Q. Okay. I'm now going to show you another e-mail.

18 MS. CESARE: What exhibit number, please?

19 MS. STONE: 702.

20 Q. I'm just going to ask you to take a look at this,
21 Ms. Stenzel. Do you recognize this e-mail?

22 A. Yes.

23 MS. STONE: Could we publish that to the jury,
24 your Honor? Thank you.

25 Q. And Ms. Stenzel, could you read this e-mail, please,

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1 the highlighted portions?

2 A. The entire --

3 Q. The highlighted portions, yes.

4 A. "Are all the German boys blind or senseless? I do
5 not believe you don't have a boyfriend. You are so
6 beautiful. The story of Joseph and me are like a
7 fairytale story with a bad ending. I live in Poland and
8 I meet Joseph here in one of his business trips to
9 Poland. During the following year, he came two or three
10 time, again for business to Poland but made sure to
11 include my town in itinerary. He meet my parents who
12 completely fell in love with him, although he's fifteen
13 years older than my father and eighteen than my mother.

14 "When I graduated from high school at the age of
15 seventeen, at the same time the young lady who was his
16 personal assistant left and it was only natural that I
17 will come to him as his new personal assistant and live
18 with him and Elena. I stayed with him for a little over
19 two years being sure that I am going to spend the rest of
20 my life with him but I got a phone call from my mother
21 telling me that my father got two strokes and he's in a
22 hospital. My father did not die but he is an invalid and
23 will never be able to go back to work.

24 "I had to take up myself, the family business, only
25 thirty employees because my mother doesn't know anything

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1 about business and besides, she has to take care of my
2 father. I am doing very well, not only many employees
3 that used to work with my father say that I am better
4 than him but also our bank account and the books say
5 that. I know that I owe it all to Joseph, to the time
6 and efforts he invest in me to make me a real woman, a
7 career and businesswoman.

8 "The only problem is that I cannot be with him
9 anymore and I miss him so much, it hurts. Maybe that
10 will give you an answer to the possibilities there are in
11 being with him for your future. I am today about your
12 age, just hit my twentieth birthday.

13 "So you understand that my parents support completely
14 and encouraged me to go to Joseph. What does your mother
15 and stepfather say about the idea that you will go to
16 Joseph? You will become from the minute that Joseph will
17 pick you up to the airport, a member of his family. He
18 will treat you as he treats Elena, his wife, without of
19 course, the sex.

20 "If Elena gets sick or God forbid needs to go to a
21 hospital, Joseph will find the best doctors and the best
22 hospital there is. The same is you and the same was with
23 me. You will be part of his family and part of the
24 people he love. And he takes very good care of the
25 people he loves.

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1 "The same regarding the pocket money. Of course you
2 can bring as much money as you want but you will never be
3 allowed to use it. As long as you are with Joseph, he
4 take care of you and whatever you want and need. I did
5 not bring money with me but I had a credit card. I never
6 used it."

7 Q. If you could just continue with the last time.

8 A. "I will be happy to answer any question you might
9 have. I'm sorry that the pictures did not go through. I
10 will send them again. Let me know if you got them."

11 Q. When -- in this e-mail, when there was a reference to
12 not getting pictures, what did that Ms. Stenzel?

13 A. I asked for pictures to see how Joseph is looking
14 like.

15 Q. And did you ever speak to Joanna?

16 A. No.

17 Q. Have you ever spoken to Joanna?

18 A. No.

19 Q. Have you ever met Joanna?

20 A. No.

21 Q. Following this e-mail, Vanessa, did you in fact
22 receive some photographs of Mr. Yannai?

23 A. Yes.

24 Q. I am going to ask you to take a look at this
25 photograph. Do you recognize this? Is that the photo

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1 you received?

2 A. Yes.

3 MS. STONE: I would ask that we just publish
4 this to the jury. It's been previously admitted into
5 evidence.

6 MS. CESARE: What's the mark? Which exhibit
7 number, please?

8 MR. SPECTOR: 702.

9 THE COURT: Okay.

10 Q. And I am going to show you one additional photograph.
11 Do you recognize this photograph?

12 A. Yes.

13 MS. STONE: I would also ask that that be
14 published to the jury.

15 Q. Now, Vanessa, after seeing this photograph, what did
16 you think about Joanna and the defendant kissing?

17 A. Well I thought they had a very friendly, close
18 relationship and that this kiss was an expression of
19 friendship and that's the way you -- you would kiss your
20 grandfather for instance.

21 Q. Did this photograph at all change your view of the
22 relationship that the defendant had with Joanna?

23 A. No.

24 Q. Now during these e-mails back and forth with the
25 defendant and with Joanna, was there ever any mention of

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1 the type of visa you would need?

2 A. Yes.

3 Q. I am just going to show you this e-mail and ask do
4 you recognize this e-mail?

5 A. Yes.

6 Q. Who is it from?

7 A. Joanna.

8 MS. STONE: Could this be published to the
9 jury, please, Government Exhibit 704.

10 Q. And could you read the highlighted portion?

11 A. "As to the visa, as Joseph and Elena do not have
12 children, you will not be able to get an au pair visa.
13 You also have very little chances, if at all, to get a
14 working visa from there. After all, the immigration
15 knows that it is easy to find a personal assistant among
16 the Americans. German citizens can come to the states as
17 a tourist with a visa and being granted a permit to stay
18 for ninety days. Upon your arrival, Joseph's attorneys
19 will start working of your permanent working visa. They
20 call it their green card. They did it for me and today I
21 can travel and work in the U.S.A. whenever I want."

22 Q. And could you just explain to us, Vanessa, what does
23 the word "Von" in German at the top?

24 A. Von means well, from who is the e-mail.

25 Q. And below that, the word "on"?

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1 A. To.

2 Q. And beneath, that, "Gezendat" ph.?

3 A. Send on date so and so.

4 Q. And finally, the word "betreft" beneath that?

5 A. In reference to.

6 Q. Now when you arrived in the United States, Vanessa,
7 did the defendant ever get you a green card?

8 A. No.

9 Q. And was there another woman working in the house when
10 you arrived?

11 A. Yes.

12 Q. And do you know her name?

13 A. Yes.

14 Q. What was her name?

15 A. Gisele.

16 Q. Do you know how long she had been working in the
17 house?

18 A. Maybe for half a year or so. She also lived there
19 doing their e-mails.

20 Q. Did she have a green card?

21 A. No, I don't think so.

22 Q. Now did you have other questions about the kind of
23 business the defendant had before you came?

24 A. Yes.

25 Q. I am going to ask you to take a look at this e-mail

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1 at the bottom. Do you recognize that e-mail at the
2 bottom?

3 A. Yes.

4 Q. And do you know who sent it?

5 A. Yes.

6 Q. Who sent it?

7 MS. CESARE: Number please?

8 MS. STONE: 706, I --

9 A. Joseph.

10 MS. STONE: Could we publish that to the jury?

11 THE COURT: Yes.

12 Q. I'm sorry, could you look at the bottom one, Vanessa?

13 A. Yes.

14 Q. Who is that addressed to?

15 A. To me.

16 Q. Not the top. I'm asking you just to take a look
17 here.

18 A. Ah, up there.

19 Q. Yes.

20 A. To Joseph.

21 Q. Okay. And I'm just going to show you the second page
22 of that and ask if you could read the highlighted
23 portion.

24 A. "So, is that what I really might want? At the
25 beginning when I had started writing with Joanna, I was a

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1 little bit skeptical because I couldn't believe in that a
2 big chance like this would -- could really happen to me.
3 So, of course I have also some question. Maybe you can
4 tell me more about your business and what orientation it
5 goes or maybe you have an internet site from your
6 business. And when I would start the job, would we make
7 a contract or something like this? Yes, I hope this is
8 more for the beginning than before. Yours Sincerely,
9 Vanessa."

10 Q. And did the defendant respond to this e-mail,
11 Vanessa?

12 A. Yes.

13 Q. I am now going to ask you take a look at the top of
14 that e-mail. Do you recognize that?

15 A. Yes.

16 Q. And what is that?

17 A. What is it?

18 Q. Yes.

19 A. It's an e-mail where he described his business a
20 little bit more.

21 Q. Okay.

22 MS. STONE: Can we publish this to the jury,
23 please.

24 THE COURT: Yes.

25 Q. And could you read the highlighted portion?

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1 A. "I have several businesses. The main ones are in the
2 publishing. I am also heavily involved in the stock
3 market and have several businesses in the hospitality
4 industry. We are publishing books in the hospitality
5 industry about restaurants, hotels and travel. We do not
6 have website because we do not sell the public, so we do
7 not need a website, but one book which is the flagship of
8 our publishing house which was called International Who's
9 Who of Chefs. We did and still do selling books to the
10 public an we have --" Yeah.

11 Q. Could you --

12 A. "-- have a website for that."

13 Q. Could you read who is that signed from?

14 A. "WWW.InternationalChefs.com.

15 Q. At the bottom, who signed this e-mail?

16 A. "Yours, Joseph."

17 Q. Did you look at the website that the defendant
18 mentioned in this e-mail?

19 A. Yes.

20 Q. And did the defendant ever mention to you when you
21 were deciding to take this job that he would help you get
22 more with your education?

23 A. Education for what?

24 Q. Let me ask you, a different question. Did he ever
25 mention to you that when you took this job, there would

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1 be opportunities to get --

2 A. Yes.

3 Q. -- further education? And --

4 A. Only mentioned this.

5 Q. Okay. And when you came to the United States, did he
6 ever help you get further education?

7 A. No.

8 Q. Now before you came to the United States, Vanessa,
9 did the defendant tell you anything about using the
10 internet in his home and the phone in his home?

11 A. Yes.

12 Q. Did you receive an e-mail to that effect?

13 A. Yes.

14 Q. I am now going to show you what's been marked as
15 Government Exhibit 711.

16 MS. STONE: I'm going to ask that this be
17 published to the jury.

18 Q. Vanessa, could you take a look at the highlighted
19 portion and read that?

20 A. Yes. "First there is no messaging allowed as we were
21 hit several times. Although we have very sophisticated
22 anti-virus programs with viruses which brought us a lot
23 of damage, but the issue of the internet and the phone is
24 not a question of money. We have six phone lines in the
25 house which we don't pay for the calls and for computers

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1 which are networked, all connected to each other.

2 "The issue is more of the reasons of you coming here.
3 I will try to make you a real career and businesswoman
4 and make you fall in love with this world, so hopefully
5 you will like to stay several years and manage my
6 businesses which will free me to new ideas and new
7 project.

8 "The tendency of many people who move, no matter for
9 how long, from their home country is to live in the
10 mentally ghetto, to live physically in the new place and
11 mentally still in the old world. This is what I call the
12 tourist syndrome. And you also, I hope, I will be able
13 to show you a lot of the country. I'm not going to be a
14 tourist and I'm not a travel agent. If that will be the
15 case with you, we will not be successful and your stay
16 here will be a failure. In order to prevent it, I would
17 like you and help you to jump into the new world from
18 minute one. It doesn't mean that I want you to
19 disconnect yourself from your family but to keep in the
20 right proportion. You will call your family only once a
21 week and, of course, special occasions like holidays and
22 birthdays and ask them to call you only in emergency and
23 not every time they miss you.

24 "The same goes with the internet, regarding your
25 friends and family, you will have one evening a week when

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1 you will be able to use the internet, read and write, for
2 your private things. Also, you will be on the internet
3 every day for work. Yours, Joseph."

4 Q. Now Vanessa, when were you scheduled to finish
5 school?

6 A. August 2008, summer.

7 Q. And what level of school were you finishing?

8 A. High school; yeah.

9 Q. And did you still have questions after these e-mails
10 that you had received about what you would say at
11 immigration when you entered the United States?

12 A. Yes.

13 Q. Did Joanna ever address any of those questions?

14 A. Yes.

15 Q. I am going to show you what's been marked Government
16 Exhibit 713.

17 MS. STONE: I'd ask that that be published to
18 the jury.

19 Q. Can you read us this e-mail, Vanessa? First, I'm
20 sorry, who is this from?

21 A. Joanna.

22 Q. Could you read the highlighted portion, please?

23 A. "During the day, while working, you will always be
24 dressed well. No need to be elegant but aesthetic and
25 classy. No trousers, only skirts. Dresses and skirts,

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1 please. You don't have to be dressed in a formal or
2 business clothes. After all, it is a home and many days
3 Joseph himself will be for part of the days with only a
4 robe but with a good taste. No jeans. No trousers. No
5 t-shirts. Preferably, blouses. Jeans or trousers, you
6 can't wear in the evenings when you don't go out. Bring
7 something to wear when you will go out and travel.

8 "As to the immigration, they will ask you what you
9 are coming for and you will say that you come to tour the
10 U.S. and stay with friends. If they will ask you the
11 names of the friends, tell them the names of Joseph and
12 Elena. Anyhow, in a form you will get on the flight you
13 will have to complete and present to them, there is a
14 question of your address while you are in the states.
15 And you should write there, Joseph's address, 309 Salem
16 Road, Pound Ridge, New York 10576. Don't mention the
17 words work or study because then you will be on the next
18 flight back.

19 "They will ask you for how long you are coming and
20 you should answer them in accordance with your return
21 ticket. It doesn't matter how long you will tell you
22 will stay. You will always get a permit to stay for
23 ninety days. I suggest that the ticket will be for three
24 weeks to a month, depends which will be cheaper for you.
25 As anyhow, you will not to be able to use it. Joseph

Ms. Stenzel - Direct - Ms. Stone

1 will give you the money of round trip ticket and the
2 ticket back should you stay with him for at least a year
3 because this period of time sounds most believable to the
4 immigration for a tourist.

5 "Don't bring with you copies of the e-mails you wrote
6 and got from Joseph and me, as if they will open your
7 luggage or purse because of custom. They will find it
8 and will realize you are coming to work.

9 "Did you discuss with Joseph what kind of
10 relationship you two are going to have?"

11 Q. So, Ms. Stenzel, as to the first part of this e-mail,
12 when Joanna mentioned that you would be dressed in
13 business attire but that at times, the defendant would be
14 wearing his robe, what did you think of that?

15 A. Nothing.

16 Q. Did you think there was anything unusual about it?

17 A. No.

18 Q. And as to the section at the -- concerning your
19 ticket, what type of ticket did you buy?

20 A. I didn't buy the ticket. My mother buy the ticket.
21 She buy a ticket for three months that I could fly back
22 after three months for case.

23 Q. Do you have any idea as to why she bought it for
24 three months when you were planning to come for a year?

25 A. It was cheaper.

Ms. Stenzel - Direct - Ms. Stone

1 Q. And finally, Vanessa, at the bottom when Joanna said
2 to you, "Did you discuss with Joseph what kind of
3 relationship you two were going to have," what was she
4 talking about, if you know?

5 A. That we would have been a close relationship.

6 Q. What do you mean by that, by a close relationship?

7 A. Friendly, close relationship.

8 Q. Well, let me show you an e-mail dated June 9,
9 Government Exhibit 714, have you take a look at this.

10 MS. STONE: Could we publish this to the jury,
11 please?

12 Q. Could you read that e-mail, please?

13 A. "Dear Joanna: Thank you very much for your advices.
14 I will strictly implement and follow them. No, we didn't
15 exactly discuss this relationship between us. Please,
16 can you tell me what kind of relationship it would be?
17 It would be very cute (sic) and helpful to know it. I
18 really thank you for any kind of help. Yours, Vanessa."

19 Q. And why did you send this e-mail to Joanna?

20 A. Because I really didn't know what she mean with this
21 relationship, so I wanted to know.

22 Q. I'm now going to show you what's also been marked as
23 the first e-mail in Government Exhibit 714 and ask that
24 this be published to the jury. Is that the response e-
25 mail you received, Vanessa?

Ms. Stenzel - Direct - Ms. Stone

1 A. Yes.

2 Q. Could you just read us the highlighted portions?

3 A. "Joseph will let you decide the kind of relationship
4 you wish to have with him. His preferences of course is
5 that you will have the same kind of relationship he had
6 with me or even closer. We loved each other very much.
7 We cared about each other. We did everything to please
8 each other. We were very intimate together, although we
9 did not have the actual sex. And if you would like to
10 know why, I will tel you. We were free with each other
11 and completely open. In short, you will be for him like
12 Elena and he will be for you like a devoted, loving man,
13 again without the sexual -- actual sex.

14 "Joseph prefers this kind of relationship, (a)
15 because it makes the life together much more pleasant and
16 natural and (b) he doesn't believe that without this
17 relationship, he will be able to teach you and I am not
18 talking about the work, and make you the kind of woman he
19 would like you to be and we discussed it before.

20 Remember?

21 "The other opinion -- the other option is to have
22 more formal relationship. He will treat you as a woman
23 who works with him and happens to live in his house. He
24 will not demand as much from you but also will not give
25 you from himself as much. He will treat you with the

Ms. Stenzel - Direct - Ms. Stone

1 same respect, like in option one. The most civilized way
2 but will help you to keep the distance that is
3 appreciated between two people who work together. While
4 in the first option, he would look at you as someone who
5 you should invest everything because you will be staying
6 with him for a long time, even if you will not. In the
7 more formal style, he will always keep in mind that you
8 come for one year and that is that. So there's no reason
9 to invest in you. You have to understand you will still
10 get everything you need and he will not hold against you
11 the fact that you choose this kind of relationship but it
12 will be because he's civilized and understanding and not
13 because you love each other.

14 "One thing you cannot do is to play what he calls yo-
15 yo or zig-zag. What I mean is that you cannot choose one
16 way and then after a while, ask to change it."

17 Q. After you received this e-mail from Joanna, Vanessa,
18 did you understand what she meant about choosing a
19 relationship?

20 A. Not all.

21 Q. What did you think it meant?

22 A. I thought it was going to be a close, professional
23 relationship.

24 Q. Did you understand the difference between the two
25 options that Joanna described to you?

Ms. Stenzel - Direct - Ms. Stone

1 A. Half.

2 Q. Did you have any idea what you were picking?

3 A. Yes.

4 Q. And what were you thinking you would want as the kind
5 of relationship?

6 A. The first.

7 Q. And why would want the first?

8 A. Because there I had been in the family, he had invest
9 in me and I thought of the future because he indicated
10 that maybe later on, I could run or manage his business.

11 Q. Did you think the first option meant that you would
12 be involved with him romantically?

13 A. No.

14 Q. Vanessa, when did you arrive in the United States?

15 A. August, late August 2008.

16 Q. Is there anything that would refresh your
17 recollection?

18 A. Late August.

19 Q. Can you remember if it was July or August, Vanessa,
20 when you arrived?

21 A. I don't remember.

22 Q. And when you came, did you have a return ticket?

23 A. Yes.

24 Q. And where did the ticket depart from?

25 A. Dusseldorf.

Ms. Stenzel - Direct - Ms. Stone

1 Q. And where was it to?

2 A. J.F.K.

3 Q. And when were you scheduled to return to Dusseldorf?

4 A. October.

5 Q. And were you coming as a tourist?

6 A. No.

7 Q. Why were you coming to the United States?

8 A. For working.

9 Q. Did you know anyone in the United States when you
10 came?

11 A. No.

12 Q. Now let me ask you, when you came to the United
13 States, what airport did you come to, Vanessa?

14 A. J.F.K.

15 Q. And when you arrived at J.F.K., did you follow the
16 instructions that Joanna gave you?

17 A. Yes.

18 Q. And did you go through immigration?

19 A. Yes.

20 Q. And what did you say to immigration?

21 A. That I am traveling to meet some friends.

22 Q. Was this truthful?

23 A. No.

24 Q. And as you sit here today, do you know that lying to
25 immigration authorities was a crime?

Ms. Stenzel - Direct - Ms. Stone

1 A. Yes.

2 Q. And were you given immunity for your testimony here
3 today, Vanessa?

4 A. Yes.

5 Q. I'm going to show you what's been marked as
6 Government Exhibit 3500-VF-11. Could you take a look at
7 that? Do you recognize that document, Vanessa?

8 A. Yes.

9 Q. What is it?

10 A. It's a document where it's stand that when I am
11 telling the truth here now, about the things what
12 happened, I'm not getting -- I'm not going to be
13 prosecuted for the things I have said to the officer.

14 Q. And before signing this letter -- excuse me. Before
15 receiving this document, did you meet with a lawyer?

16 A. Yes.

17 Q. And who arranged for you to meet with that lawyer?

18 A. The government.

19 Q. Do you understand what immunity is?

20 A. Yes.

21 Q. What's your understanding of that, Vanessa?

22 A. It means that if I tell the truth here, I will not be
23 made accountable for what I told the immigration officer.

24 Q. Now yo mentioned that the government arranged for you
25 to meet with a lawyer; right?

Ms. Stenzel - Direct - Ms. Stone

1 A. Yes.

2 Q. How many times prior to testifying today did you meet
3 with the government, if you can remember?

4 A. Several times, but I am not sure how many.

5 Q. Did you review your testimony with the government?

6 A. Yes.

7 Q. And before this trial, had you traveled to the United
8 States in order to meet with the government before?

9 A. Yes.

10 Q. And when you came on both of these trips to meet with
11 the government and to testify, who paid for your travel?

12 A. The government.

13 Q. And did anybody else come with you on these trips?

14 A. No.

15 Q. And why is that?

16 A. Because --

17 MS. CESARE: Objection.

18 A. -- the person have to pay --

19 MS. CESARE: Objection.

20 A. -- the --

21 THE COURT: What?

22 MS. CESARE: Objection.

23 THE COURT: Objection to --

24 MS. CESARE: To why no one else came with her.

25 THE COURT: Overruled.

Ms. Stenzel - Direct - Ms. Stone

1 Q. You can answer, Vanessa.

2 A. Yes. Because the other person had to pay the flight
3 for himself.

4 Q. So, Vanessa, after you passed through immigration and
5 spoke to the immigration officers, who greeted you at
6 J.F.K.?

7 A. Joseph.

8 Q. And Vanessa, I'm going to ask you to look around the
9 courtroom and ask me -- and ask if you can point out and
10 identify who Joseph is.

11 A. Yes.

12 Q. Can you please describe an article of clothing that
13 he's wearing?

14 A. He's wearing a gray suit with a white shirt or
15 sweater underneath.

16 MS. STONE: Let the record reflect that the
17 witness has identified the defendant.

18 THE COURT: Yes.

19 Q. And when you met the defendant at J.F.K., how did he
20 greet you?

21 A. Very warmly.

22 Q. Was there any touching or kissing?

23 A. Hugging.

24 Q. And who drove back to the defendant's home?

25 A. Joseph, with his car.

Ms. Stenzel - Direct - Ms. Stone

1 Q. And can you describe for us the car ride from J.F.K.
2 to Pound Ridge?

3 A. During the drive, we talked that there would be
4 another girl at the house who I will meet there. We only
5 spoke --

6 Q. Do you remember anything else about the discussion in
7 the car, Vanessa?

8 A. No.

9 Q. Was there any physical contact in the car that you
10 can remember?

11 A. I don't know.

12 Q. Now when you got back to the defendant's house, do
13 you remember around what time of night it was?

14 A. Evening.

15 Q. And did anybody show you around the house?

16 A. Yes.

17 Q. And who did?

18 A. Elena.

19 Q. And what did Elena do? What did she show you?

20 A. She showed me my room. She showed me the washing
21 machine, how it works, everywhere -- everything I can
22 find, towels, like this.

23 Q. And besides Elena and the defendant, was anyone else
24 in the house?

25 A. Yes.

Ms. Stenzel - Direct - Ms. Stone

1 Q. Who was that?

2 A. Gisele and the dog.

3 Q. Okay. Do you know where Gisele was from?

4 A. Brazil.

5 Q. Now when you arrived at the defendant's house, did
6 there come a time when you sat down on the couch with the
7 defendant and had a conversation?

8 A. Yes.

9 Q. And can you tell us what the defendant said to you
10 while you sat on the couch?

11 A. That we will have a close relationship.

12 Q. Can you tell us a little bit more about what he told
13 you?

14 A. Yeah, he described the -- how the life would be in
15 the house.

16 Q. When you say he described what the life would be like
17 in the house, what did he say the life was going to be
18 like in the house?

19 A. That I had to prepare the bath every morning and
20 things like that.

21 Q. How did you feel during this conversation?

22 A. Uncomfortable.

23 Q. What about this conversation made you uncomfortable,
24 Vanessa?

25 A. Because he took his hand on my thighs.

Ms. Stenzel - Direct - Ms. Stone

1 Q. And after this conversation, what did you do?

2 A. I did a phone call.

3 Q. Who did you call, Vanessa?

4 A. My mom.

5 Q. And did you say anything to your mother about how you
6 felt uncomfortable from this conversation?

7 A. No.

8 Q. Why didn't you tell her?

9 A. I didn't tell her to worry about me.

10 Q. Now after this conversation, Vanessa, at any time did
11 the defendant tell you what clothing you should wear to
12 work?

13 A. Yes.

14 Q. What did he tell you?

15 A. We had to wear high heels, skirts, blouses.

16 Q. Was there anything about your bra that he mentioned?

17 A. No bra.

18 Q. Did he ever buy you any blouses?

19 A. Yes.

20 Q. Did he buy them for anyone else?

21 A. Yes, for me and Gisele.

22 Q. And what time were you supposed to get up in the
23 morning for work, Vanessa?

24 A. When Elena leaves the house.

25 Q. When would that be?

Ms. Stenzel - Direct - Ms. Stone

1 A. 7:00, 8:00.

2 Q. Now getting back, I am sorry, for a moment to what
3 you were supposed to wear, did the defendant ever say
4 anything about any -- about body piercing?

5 A. Yes.

6 Q. What did he tell you about that?

7 A. One evening, after work, he saw under my t-shirt, my
8 jelly (sic) button and he said I had to put it out.

9 Q. And how did that make you feel?

10 A. A little bit angry because it's my body. I can
11 decide what I wanted to wear and what not.

12 Q. Vanessa just, I know it's hard because English isn't
13 your first language, what type of a body piercing was
14 this?

15 A. I had the piercing at my bellybutton.

16 Q. And did you bring any money with you to the United
17 States?

18 A. Yes.

19 Q. About how much money did you have?

20 A. Maybe something about \$100 or so.

21 Q. And did you bring a phone with you?

22 A. Yes.

23 Q. And did you use that phone?

24 A. No.

25 Q. Why didn't you use it?

Ms. Stenzel - Direct - Ms. Stone

1 A. The plan I bought had expired, so I couldn't use the
2 phone card any longer.

3 Q. Did you bring a computer with you?

4 A. Yes, a laptop.

5 Q. And did you use it to go on the internet while you
6 were in the house?

7 A. No.

8 Q. Why not?

9 A. Because I have needed a special serial number or code
10 number.

11 Q. Who would have had the code number?

12 A. I think Joseph.

13 Q. Did you ask him for it?

14 A. No.

15 Q. Why not?

16 A. I have known or I thought the answer would be no
17 because he wrote in the e-mails that we have limited
18 internet.

19 Q. And how many hours a day did you work, Vanessa, for
20 the time -- the three months that you spent in the
21 defendant's house?

22 A. Eight, ten hours. I don't know exactly.

23 Q. And who prepared breakfast in the mornings?

24 A. Depends; sometimes me, sometimes Gisele.

25 Q. And after breakfast, was there a routine?

Ms. Stenzel - Direct - Ms. Stone

1 A. Yes.

2 Q. And what was that?

3 A. To prepare the bath.

4 Q. And when you first arrived at the beginning of
5 August, what did this involve in terms of preparing for
6 the bath?

7 A. To make the espresso. To make the bubbles into the
8 water. And then go downstairs to call Joseph that the
9 bath is ready. Then he went upstairs. And then to sit
10 there during his bath.

11 Q. How did that make you feel to sit there while he was
12 taking a bath?

13 A. At the beginning, it was -- it didn't seem too
14 unusual because my mother works for -- in a nursing home
15 with a lot of older people. Yeah, and she also had to
16 wash old people.

17 Q. Well, the defendant is -- he's older than you; right?

18 A. Yes.

19 Q. But he's not an invalid; right?

20 A. Yes -- no, sorry. No.

21 Q. Did Gisele ever say anything to you about your
22 responsibilities while the defendant bathed?

23 A. No.

24 Q. Okay. Vanessa, after the first two weeks that you
25 were in the defendant's house, did you take a trip with

Ms. Stenzel - Direct - Ms. Stone

1 the defendant?

2 A. Yes.

3 Q. And did anybody else go with you on this trip?

4 A. No.

5 Q. What was the reason for the trip?

6 A. A business trip.

7 Q. To where?

8 A. To Michigan.

9 Q. Why Michigan?

10 A. To meet there with some guys.

11 Q. I'm sorry, some what?

12 A. Some guys.

13 Q. Guys.

14 A. To meet some guys he knows.

15 Q. About what, do you know?

16 A. To get some documents, a book. I don't know exactly
17 how what it was.

18 Q. As part of your job in the house, did you work on any
19 of -- computer research, internet research? Did you do
20 any internet research at the house?

21 A. No, I had to do another -- some different work. I
22 looked up in a big red book, people names, their e-mail
23 address, fixed address, not -- telephone number and write
24 them down in a -- on a table.

25 Q. Okay. What was that for?

Ms. Stenzel - Direct - Ms. Stone

1 A. For the new book he wanted to publish.

2 Q. What was name of the new book that he wanted to
3 publish?

4 A. The Who's Who of Michigan.

5 Q. Did the defendant tell you anything about Who's Who?

6 A. Yes.

7 Q. What did he tell you about his relationship to Who's
8 Who?

9 A. He told me that he owns the title, "Who's Who" and
10 that nobody was legally allowed to use this title without
11 his knowledge and his agreement.

12 Q. And were you working on Who's Who Michigan?

13 A. Yes.

14 Q. Now before you went to Michigan, did the defendant
15 show you any thing about the hotel where you would be
16 staying?

17 A. Yes, he showed the internet side.

18 Q. And do you remember the name of the hotel?

19 A. Omni.

20 Q. Did he say anything about how many rooms he was
21 getting for the trip?

22 A. No.

23 Q. Did you -- what did you think there -- how many rooms
24 there would be?

25 A. Two.

Ms. Stenzel - Direct - Ms. Stone

1 Q. When you got to Detroit, Vanessa, and you got to the
2 hotel, how many rooms were there?

3 A. One.

4 Q. How many beds were there?

5 A. One.

6 Q. And what did you think, Vanessa?

7 A. What you have think about this, "Oh, shit", I
8 thought. I have known that I have to sleep with him in
9 this same bed.

10 Q. Did you have a phone with you, Vanessa, when you got
11 to the hotel with the defendant?

12 A. No, it had expired.

13 Q. Did you bring any money with you to Michigan?

14 A. No.

15 Q. Who was carrying the plane tickets?

16 A. On the airport, myself and later on, he.

17 Q. And how was your English at this time when you went
18 to Michigan?

19 A. School English and the English which I have learned
20 the time I had been there.

21 Q. Now when you first got to the hotel, what did you do,
22 Vanessa?

23 A. I went for a walk on the promenade.

24 Q. And during this walk, how did you feel?

25 A. Happy.

Ms. Stenzel - Direct - Ms. Stone

1 Q. Why were you happy?

2 A. I feel free. I have this wonderful view there.

3 Q. Was the defendant with you --

4 A. No.

5 Q. -- on this walk?

6 A. He take a nap.

7 MS. STONE: Your Honor, I am now going to show
8 -- the defense has agreed that we've stipulated as to a
9 video that was taken during this trip to Michigan.

10 THE COURT: Okay.

11 MS. STONE: I would ask permission to show that
12 at this time.

13 THE COURT: What is that document? What is the
14 number of it, the exhibit number?

15 MS. STONE: It's Government Exhibit 715. I'm
16 sorry, 715-B, I apologize.

17 THE COURT: It's in evidence?

18 MR. SCHNEIDER: We have no objection.

19 MS. CESARE: Does that correspond with
20 Defendant's Exhibit Video-2?

21 MS. STONE: Yes.

22 MS. CESARE: No objection.

23 THE COURT: So it's in evidence. Let's go.
24 (Government's Exhibit 715-B marked in evidence.)

25 MS. STONE: Your Honor, I would just ask that

Ms. Stenzel - Direct - Ms. Stone

1 if we could publish for the jury and show the video.

2 THE COURT: Go ahead.

3 (Playback of video.)

4 Q. Vanessa, while you lived and worked in the United
5 States, did you take other videos?

6 A. Yes.

7 Q. And did you take photographs?

8 A. Yes.

9 Q. And why did you take these videos and photographs?

10 A. Definitely for myself and for friends, the family.

11 Q. Why did you want your friends and family to see these
12 videos?

13 A. To show them how and where I live.

14 Q. Now when you say to show how you lived, did these
15 videos show everything about your life in the United
16 States?

17 A. No.

18 Q. And are you happy in these videos?

19 A. Yes.

20 Q. And why did you want your friends and family to see
21 these happy videos?

22 A. To give them the feeling that I had a wonderful time.
23 I didn't want them know about the bad things.

24 Q. So after this walk, Vanessa, did you go back to the
25 hotel?

Ms. Stenzel - Direct - Ms. Stone

1 A. Yes.

2 Q. And was the defendant still sleeping?

3 A. I don't know exactly.

4 Q. At some point did he wake up from his nap?

5 A. Yes.

6 Q. Did he have a conversation with you about what he was
7 expecting from his relationship with you at this point?

8 A. Yes.

9 Q. And during this conversation, Vanessa, did he do
10 anything to your clothing?

11 A. Yes.

12 Q. What did he do?

13 A. Took some off.

14 Q. Did anybody lie down at any point after he took your
15 clothing off?

16 A. I'm not sure but I think I have to lay on the bed or
17 something like this.

18 Q. When you say you think you had to, did the
19 defendant --

20 A. At the edge of the bed.

21 Q. Did the defendant say anything to you about laying on
22 the bed?

23 A. No.

24 Q. Did the defendant touch you?

25 A. Yes.

Ms. Stenzel - Direct - Ms. Stone

1 Q. Where did he touch you, Vanessa?

2 A. Breast.

3 Q. Where else did he touch you, Vanessa?

4 A. Vagina.

5 Q. Did you fight him when he was touching you?

6 A. No, no.

7 Q. Why didn't you fight him, Vanessa?

8 A. Maybe I was a little bit afraid.

9 Q. What were you afraid of, Vanessa?

10 A. What he would do.

11 Q. What did you think he might do?

12 A. That he would use violence to get what he wanted to
13 get.

14 Q. And why did you think that?

15 A. That's what I thought. I was alone with him in this
16 room.

17 Q. Did you reciprocate by touching him?

18 A. No.

19 Q. Did you kiss him?

20 A. Yes.

21 Q. Why did you kiss him?

22 A. I don't know. I am not even sure that I kissed him.
23 I'm a little upset right now.

24 THE COURT: Do you want to take a little break?

25 THE WITNESS: Yes, please.

Ms. Stenzel - Direct - Ms. Stone

1 THE COURT: All right. Why don't we take a ten
2 minute recess, ladies and gentlemen.

3 (Court recessed.)

4 THE CLERK: All rise.

5 (Jury enters the courtroom.)

6 THE CLERK: Please be seated.

7 Q. Vanessa, I am now going to ask you some questions
8 about what happened after you returned from the trip to
9 Michigan. Now, you've already described a couple of
10 times when you and the defendant had discussions about
11 your relationship. After yo got back from Michigan and
12 you were in Pound Ridge, did the defendant again discuss
13 with you the type of relationship he wanted with you?

14 A. Yes.

15 Q. Can you tell us what he told you?

16 A. Yes, he described additional things which he wanted
17 me to do, which he expected me to do which were going to
18 be more intimate.

19 Q. Like what?

20 A. To wash him during the bath, this should have done by
21 me later.

22 Q. Did he say why he wanted you to do these things?

23 A. This would make me to a businesswoman.

24 Q. How was this going to help you be a businesswoman?

25 A. I don't know.

Ms. Stenzel - Direct - Ms. Stone

1 Q. Did it help you become a businesswoman?

2 A. I'm not yet a businesswoman.

3 Q. Now you also talked, Vanessa, about breakfast and
4 that either you or Gisele would make breakfast; is that
5 right?

6 A. Yes.

7 Q. And after breakfast, what did the defendant usually
8 do?

9 A. He take a nap.

10 Q. Did he ever watch TV?

11 A. Yes, during breakfast, in the evening.

12 Q. And can you tell us about any particular incident
13 that occurred after breakfast one day when the defendant
14 was watching TV?

15 A. Yes.

16 Q. Tell us about what happened, Vanessa?

17 A. He wanted another espresso. So, I get up and make
18 the espresso, came down, bring it to him. And then he
19 took the hand and the other over my waist and put me on
20 his knees. And touched my breasts.

21 Q. Is this something you wanted him to do?

22 A. No.

23 Q. Did you do anything about it?

24 A. No.

25 Q. Did you ever try to push away his hand when he

Ms. Stenzel - Direct - Ms. Stone

1 touched your breast?

2 A. No.

3 Q. Did the defendant ever -- are you okay?

4 Were there ever times that he did things when you
5 resisted and asked him not to do it, or tried to get him
6 to not do it?

7 A. Could you repeat the question?

8 Q. Let me ask you another question. I'm sorry. When --
9 did the defendant ever say anything to you about whether
10 or not he thought you were going to agree to these sexual
11 contacts in his house?

12 A. Yes.

13 Q. What did he tell you?

14 A. Later on to wake him after his nap.

15 Q. And did he ask you to do anything differently about
16 the bath?

17 A. Yes, to wash him.

18 Q. And what did washing involve, Vanessa?

19 A. The hair, the whole body.

20 Q. When you say the whole body --

21 A. Including the penis.

22 Q. And how did you know that you were supposed to wash
23 his penis?

24 A. He took the hand, hold it over the water a little bit
25 and said he wanted to feel me there.

Ms. Stenzel - Direct - Ms. Stone

1 Q. And why did you do that? Why did you wash his penis?

2 A. I didn't wash his penis.

3 Q. You said you washed his whole body, right, Vanessa?

4 A. Yeah, the body without this.

5 Q. So, just so we can --

6 A. At the beginning.

7 Q. Just to be clear, you're saying that he asked you to
8 wash near his penis.

9 A. Wash the body.

10 Q. Okay. Did you wash his whole body?

11 A. Yeah.

12 Q. And why did you wash his whole body?

13 A. Because he wanted this.

14 Q. Why didn't you say no?

15 A. I don't know.

16 Q. And --

17 A. Included the job.

18 Q. Did you want to wash his whole body?

19 A. It's not that I wanted it, I just did it.

20 Q. After the trip to Michigan, did the defendant ever
21 try to kiss you using his tongue?

22 A. Yes.

23 Q. What did you do?

24 A. I said "I don't want this."

25

Ms. Stenzel - Direct - Ms. Stone

1 Q. What did he say?

2 A. It had to be.

3 Q. And did he do anything?

4 A. Later on; yes.

5 Q. What did he do, Vanessa?

6 A. He tried one day to push his tongue into my mouth.

7 Q. Now, Vanessa, did you ever see the defendant and
8 Gisele engaging in any sexual activity in the house?

9 A. Yes.

10 Q. What did you see?

11 A. She gave him a blow job.

12 Q. Where were they when she did that?

13 A. In the bathroom.

14 Q. Where were you?

15 A. In the door. I asked what they wanted to have for
16 breakfast. I interrupted them.

17 Q. How did that make you feel when you saw that?

18 A. Scary.

19 Q. Now you mentioned before, Vanessa, that the defendant
20 took naps. Remember?

21 A. Yes.

22 Q. And during these naps, did he ever ask you to come to
23 his bedroom? During the nap time, did he ever ask that
24 you come to his bedroom?

25 A. Yes.

Ms. Stenzel - Direct - Ms. Stone

1 Q. And did anyone else ever ask you to come to the
2 bedroom during the naps?

3 A. No.

4 Q. Was Gisele ever in the bedroom during his nap?

5 A. Yes.

6 Q. And were there times when Gisele also asked or called
7 to you to come?

8 A. I don't really remember. Sorry.

9 Q. Did you ever see him and Gisele in the bed together?

10 A. Yes.

11 Q. And where were they in the bed when you saw that?

12 A. Under the blanket.

13 Q. Do you know if they were wearing clothing?

14 A. Yes.

15 Q. They were or weren't wearing clothing?

16 A. She was dressed.

17 Q. And what was the defendant wearing?

18 A. Underwear, I think. I am not sure.

19 Q. What did the defendant normally wear during the day?

20 A. A robe.

21 Q. A robe during the day while you worked?

22 A. Jeans, t-shirt.

23 Q. Now -- and during the nap, you said he was wearing
24 underwear?

25 A. Yes.

Ms. Stenzel - Direct - Ms. Stone

1 Q. And when you saw Gisele and the defendant in the bed,
2 did the defendant say anything to you?

3 A. I don't remember.

4 Q. Did there come a time when the defendant said
5 anything to you about coming to his room to talk to him
6 during the nap time?

7 A. Could be.

8 Q. Were there times that you came in at the end of his
9 nap time?

10 A. Yes.

11 Q. And was this after you'd been in the house for a
12 while working for him?

13 A. Yes.

14 Q. And where would you sit when you would come in?

15 A. On bed.

16 Q. Why did you sit there?

17 A. To wake him up.

18 Q. Did he ever ask you to sit on the bed?

19 A. No, but the bed is big and he was lying in the
20 middle, so I had to sit on the edge of the bed to wake
21 him up.

22 Q. And after you woke him up, what would he do?

23 A. Say lay down.

24 Q. Did you lie down?

25 A. Yes.

Ms. Stenzel - Direct - Ms. Stone

1 Q. Why did you lie down, Vanessa?

2 A. Because he said this.

3 Q. And when you would lie down, what did he do?

4 A. Talked.

5 Q. I'm sorry?

6 A. He talked with me. He said that there had to come
7 the next step.

8 Q. What was the next step?

9 A. To do more sexual things.

10 Q. Did you say anything to him when he said that to you?

11 A. Yes.

12 Q. What did you say to him, Vanessa?

13 A. That I don't want this.

14 Q. And what did he say to you?

15 A. It had to be.

16 Q. Why did it have to be?

17 A. To be able to make into a businesswoman, to -- in
18 order to help me develop my personality.

19 Q. And when you were in the bedroom and you laid down on
20 the bed, was there ever any time that the defendant
21 touched your clothing?

22 A. Yes.

23 Q. What did he do?

24 A. Touched the breast.

25 Q. Did he do anything to your clothing, Vanessa?

Ms. Stenzel - Direct - Ms. Stone

1 A. Took all the clothes, the blouse.

2 Q. And then what did he do?

3 A. Kissed -- kissed me.

4 Q. Where did he kiss you on your body, Vanessa?

5 A. Mouth.

6 Q. How did that make you feel?

7 A. Uncomfortable.

8 Q. And was there ever a time when the defendant lay on
9 top of you in the bed, Vanessa?

10 A. Yes, one day. Yes, one da.

11 Q. And when he did that, how was he on top of you? Can
12 you describe where his body was?

13 A. His penis had been in my mouth.

14 Q. How did that happen, Vanessa?

15 A. How things happened. You took some clothes off and
16 something happened more and more and more.

17 Q. So this particular time when he got on top of you,
18 where were his legs? Can you describe where they were?

19 A. His legs were next to my head.

20 Q. Could you move your body when his legs were on top of
21 you like that?

22 A. No, not really.

23 Q. Why not?

24 A. Because he's a little bit heavy.

25 Q. And did he push any part of his body towards your

Ms. Stenzel - Direct - Ms. Stone

1 body?

2 A. Yeah, maybe not intentionally but, yes.

3 Q. Okay. Let me ask it a different way maybe. At that
4 point, did your mouth touch any part of his body?

5 A. Yes.

6 Q. What part of his body, Vanessa?

7 A. His penis.

8 Q. And had he put his penis anywhere near your mouth?

9 A. The penis had been in my mouth; yes.

10 Q. During these times that these incidents occurred
11 after the nap time, did you ever push the defendant away,
12 Vanessa?

13 A. No.

14 Q. And were there times when Gisele was also in the bed?

15 A. Yes.

16 Q. And did Gisele ever touch you?

17 A. Yes.

18 Q. And did anyone ever say anything about her touching
19 you?

20 A. He told her to do this.

21 Q. And when -- where did she touch you?

22 A. She kissed me. She touched my breast.

23 Q. And was the defendant there?

24 A. Yes.

25 Q. And was he telling her what to do?

Ms. Stenzel - Direct - Ms. Stone

1 A. He told her to touch me; yes.

2 Q. And did he tell you to do anything?

3 A. I should enjoy this.

4 Q. Did you enjoy that?

5 A. No.

6 Q. And during any of these times that Gisele touched
7 you, did the defendant ever touch you, too?

8 A. Yes.

9 Q. Where did he touch you?

10 A. In the vagina.

11 Q. And when he was telling you that you should enjoy it,
12 was he giving you any other reasons why you should do
13 these sexual things in the bed?

14 A. Several times he repeated "It had to be to make me a
15 businesswoman. It had to be done. It had to be done,
16 all the time."

17 Q. How long did this go on for, Vanessa?

18 A. All the time; weeks.

19 Q. How long did you live and work for the defendant?

20 A. Three month.

21 Q. So if this was going on so often, why didn't you
22 leave the defendant's house?

23 A. I decided for myself to fly back with the return
24 ticket.

25 Q. Why didn't you change the return ticket, Vanessa?

Ms. Stenzel - Direct - Ms. Stone

1 A. I didn't know how to do this.

2 Q. And after all of these things were happening that
3 involved Gisele and the defendant, did your relationship
4 with Gisele change at all, Vanessa?

5 A. No.

6 Q. What was your relationship like with Gisele?

7 A. A friend, a colleague.

8 Q. Did you tell her about how you were feeling that you
9 wanted to leave?

10 A. No.

11 Q. Why didn't you tell her?

12 A. I was afraid of that she told him this all.

13 Q. Why wouldn't you want the defendant to know that you
14 were wanting to leave?

15 A. Can you repeat the question? Before, didn't you ask
16 about the --

17 Q. Why did you not want the defendant to know that you
18 were thinking about leaving?

19 A. I didn't know how he'd react.

20 Q. Was there ever any time that he reacted to something
21 that made you uncomfortable?

22 A. Yes.

23 Q. How? Can you describe, please?

24 A. One day when I wake him up and he wanted these
25 things, and I said that I don't want this, he said that I

Ms. Stenzel - Direct - Ms. Stone

1 would -- that I am a cold fish and that I wouldn't have
2 some feelings.

3 Q. Why did that upset you so much, Vanessa?

4 A. Because I have feelings, of course. This make me
5 upset that he said this to me that I am a cold fish.

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Ms. Stenzel - Direct - Ms. Stone

1 Q. Did he not -- did he care about your feelings while
2 you were living in the house?

3 MS. CESARE: Objection.

4 THE COURT: Sustained.

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Ms. Stenzel - Direct - Ms. Stone

1 Q. Let me ask you this, Vanessa. After the trip to
2 Michigan, did the defendant ever take you out again on
3 any other outings during those three months?

4 A. Yes.

5 Q. Where did you go?

6 A. To New York with Gisele to a polo game, to a motor
7 show.

8 Q. And besides these few outings in the three months,
9 were there ever any other trips you took with him?

10 A. No.

11 Q. And when you went to New York City and you went to
12 the polo match, and you went to the auto show, how did
13 you feel?

14 A. At that time, of course, happy.

15 Q. Why did it make you happy to go to those places?

16 A. Well, those were very enjoyable events.

17 Q. Were you happy in the house?

18 A. No, I feel like in a golden cage.

19 Q. So why were you able to enjoy these activities with
20 the defendant outside of the house?

21 A. Outside, I enjoyed these feelings.

22 Q. And when you out on these outings, did you ever speak
23 to a police officer about what was happening in the
24 house?

25 A. No.

Ms. Stenzel - Direct - Ms. Stone

1 Q. Did you ever talk to any neighbors about what was
2 happening in the house?

3 A. No.

4 Q. Did you ever sometimes go out in Pound Ridge,
5 Vanessa, without the defendant?

6 A. Yes.

7 Q. And where would you go?

8 A. I went for a walk for four hours if in the next --
9 New York City, to a supermarket. There I bought a
10 magazine from my money which I took with me. Also, on a
11 gas station, there I took a phone card for \$5 which you
12 could use for a cell phone.

13 Q. Did you use the phone card?

14 A. No.

15 Q. Why didn't you use the phone card, Vanessa?

16 A. There were no cell phone in the nearby.

17 THE INTERPRETER: Excuse me. I think the
18 witness means pay stations. In German, it's telephone
19 cell.

20 THE WITNESS: Yeah.

21 THE INTERPRETER: Yeah, but I think she means a
22 pay station.

23 Q. Were you looking for a phone to use the card,
24 Vanessa?

25 A. Yes.

Ms. Stenzel - Direct - Ms. Stone

1 Q. Why did it take you so long to find the nearest place
2 to buy these things?

3 MS. CESARE: Objection. Leading.

4 THE COURT: Overruled.

5 Q. Why did it take you so long to find these places to
6 buy these things?

7 A. Van you rephrase the question?

8 Q. Okay. Vanessa, when you went out to the nearest
9 shopping center to buy these things, why did it take so
10 long to walk there?

11 A. Because I did it by feet.

12 Q. And can you tel us a little bit about the location of
13 the defendant's house?

14 A. It takes long to go -- to come to somewhere. The
15 house was very remote and it took a long time to go
16 anyplace from the house.

17 Q. Did you ever see any public buses goby while you
18 lived at the defendant's house?

19 A. Only one school bus in the morning but no buses for
20 tourist or so a person just -- no.

21 Q. Did you know where the train station was?

22 A. No.

23 Q. Was there ever a time that Gisele went out with you
24 to walk around Pound Ridge?

25 A. Yes.

Ms. Stenzel - Direct - Ms. Stone

1 Q. Where would you go -- where did you go with Gisele?

2 A. We mostly went jogging or go for a walk in the next
3 forest which --

4 Q. In the next, I'm sorry?

5 A. The next forest.

6 Q. Forest; the next forest.

7 And when you went for these walks in the forest and
8 nearby, was there ever a time that you saw any of the
9 defendant's neighbors?

10 A. Yes.

11 Q. How many times did you see his neighbors?

12 A. With Gisele, once. And when I went for a walk, of
13 course, also some neighbors but there were only in the
14 car and they said hello from the car, from the house.

15 Q. And the time you saw the neighbors with Gisele, did
16 you say anything to the neighbors about the defendant and
17 wanting to leave?

18 A. No.

19 Q. Why didn't you talk to these neighbors about that?

20 A. Definitely when Gisele was with me, and we had the
21 advice not to talk with the neighbors what we are doing
22 in the house.

23 Q. Who told you not to talk with the neighbors about
24 what you were doing in the house?

25 A. Joseph.

Ms. Stenzel - Direct - Ms. Stone

1 Q. Now what was your relationship like with the
2 defendant's wife, Elena?

3 A. Not very close. She was not very often at home. She
4 usually was during the week at work, came back late at
5 the evening and were there only on the weekends.

6 Q. And how come you didn't talk to her about your
7 feelings about what was happening?

8 A. I didn't know if she knows about these things in the
9 house.

10 Q. And when you worked for the defendant, did another
11 woman besides Gisele also come to work in the house?

12 A. Yes.

13 Q. And do you remember who that woman was?

14 A. I think her name was Emma.

15 Q. Do you remember anything else about where Emma was
16 from?

17

18 A. New Zealand or something from there. I don't know
19 exactly.

20 Q. And before she came, did the defendant talk to you at
21 all about he arrival?

22 A. Yes, he said that she was looking for three -- for a
23 third girl.

24 Q. And did he ever talk to you about writing to her?

25 A. No.

Ms. Stenzel - Direct - Ms. Stone

1 Q. Did you ever see him on the computer writing to
2 anyone?

3 A. Yes.

4 Q. What did you see?

5 A. I saw that he send the e-mails to a girl with the
6 signature with -- from Joanna.

7 Q. So what did you think when you saw that?

8 A. I saw that he -- that he wrote all the e-mails which
9 I wrote with Joanna. And that it is a trick from him to
10 get the girls to his house.

11 Q. Did Emma come to the house?

12 A. Yes.

13 Q. How long did she stay, Vanessa?

14 A. Not long.

15 Q. Any idea how long?

16 A. Two, three days.

17 Q. Did you ever see the defendant speak to Emma while
18 she was there?

19 A. Yes.

20 Q. Well where were they?

21 A. On the couch.

22 Q. And did you ever speak to Emma?

23 A. Not much.

24 Q. Why didn't you speak to Emma?

25 A. Because she quickly leaves the house.

Ms. Stenzel - Direct - Ms. Stone

1 Q. Now Vanessa, you talked it at a certain point, you
2 wanted to leave and where did you want to go?

3 A. Back home.

4 Q. Did you tell your parents about how you were feeling
5 that you wanted to go back home?

6 A. No.

7 Q. Why didn't you tell them?

8 A. I feel ashamed.

9 Q. Why were you ashamed, Vanessa?

10 A. I didn't want it that my mom knows this, that she --
11 I didn't want my mother to blame herself for what had
12 happened.

13 Q. And before you left, did you talk to the defendant
14 about wanting to go?

15 A. Yes.

16 Q. And did he say anything to you about that?

17 A. He said I can go when I want.

18 Q. And how did you feel?

19 A. Happy. Happy to go home.

20 Q. Now, Vanessa, the day before you left, did you take
21 some more of these videos?

22 A. Yes.

23 Q. Do you remember what the videos were of?

24 A. From the house.

25 Q. Why did you do that?

Ms. Stenzel - Direct - Ms. Stone

1 A. For my parents, for my sisters, for my friends, for
2 me.

3 Q. And what did you want them to see?

4 A. Where I have lived because when I didn't have take
5 these picture, there would have been questions, of
6 course.

7 Q. What kinds of -- what do you mean there would have
8 been questions?

9 A. When I didn't have take any pictures, of course my
10 parents or friends would have asked why didn't you took
11 any pictures or photos of your trip there. So, they knew
12 that I had the camera with me. So, I took these pictures
13 to pretend what -- to show them what a beautiful time I
14 had on the surface.

15 MS. STONE: Your Honor, I am now going to ask
16 if we could play two video clips that we've previously
17 stipulated. They are Government Exhibits 715-C and D. I
18 would ask that we publish that to the jury.

19 MS. CESARE: Do these correspond to Defense
20 videos V-3 and V-4?

21 MS. STONE: Yes.

22 MS. CESARE: No objection.

23 (Begin playback of video.)

24 MS. STONE: Oh, I am sorry. Your Honor, can we
25 interrupt the video for one moment? There was also a

1 Ms. Stenzel - Direct - Ms. Stone
2 defense preparation of a translation since some portions
3 are in German that we've agreed and stipulated would be
4 an accurate interpretation and we would just ask if we
could distribute to the jury that translation.

5 MS. CESARE: No objection.

6 THE COURT: Okay.

7 MR. SCHNEIDER: What's the number?

8 MS. STONE: It's Government Exhibit 715-E.

9 (Pause.)

10 MS. STONE: Let me just go back to the
11 beginning.

12 (Playback of video.)

13 THE COURT: How long is this tape?

14 MS. STONE: About four minutes, Your Honor.

15 (Playback of video.)

16 Q. Had you taken a video earlier, Vanessa, that was also
17 a tour of the house?

18 A. Yes.

19 MS. STONE: And I would just ask if we could
20 show what's been marked as Government's Exhibit 715A --
21 B?

22 THE COURT: How long is this video?

23 MS. STONE: If we could just show maybe a
24 minute of this one, Your Honor.

25 THE COURT: All right.

Ms. Stenzel - Direct - Ms. Stone

1 MS. STONE: And that would correspond to
2 Defense Exhibit, I believe it's one. I don't know. I'm
3 sorry, it's A, and this corresponds with the translation
4 that was handed out to the jury.

5 (Playback of video.)

6 Q. Vanessa, just to be clear, why did you take these
7 videos?

8 A. For me, for my family and friends.

9 Q. And when you went back to Germany, did you ever talk
10 to your friends or family about everything that had
11 happened while you worked and lived with the defendant?

12 MS. CESARE: Objection.

13 THE COURT: What are your grounds?

14 MS. CESARE: Relevance.

15 THE COURT: Overruled.

16 A. Not all. Not with everyone.

17 Q. How come, Vanessa?

18 A. Because I want to forget this, what happened. I
19 wanted to fly back and I told only my best friend some
20 things what happened. But my Mom, I told. I informed my
21 Mom about what had happened here only after I came back
22 the second time talking to the Government.

23 Q. Why are you here testifying today, Vanessa?

24 MS. CESARE: Objection.

25 THE COURT: Overruled.

Ms. Stenzel - Cross - Ms. Cesare

1 A. At first, to end this for myself, to -- to conclude
2 this whole matter and to come to terms with itself.
3 That's one reason. Of course, to tell the truth and to
4 tell the people what had happened there.

5 MS. STONE: Thank you, Vanessa. We have no
6 further questions.

7 MS. CESARE: A brief break?

8 THE COURT: Go ahead.

9 (Pause.)

10 MS. CESARE: May I?

11 CROSS EXAMINATION

12 BY MS. CESARE:

13 Q. Good afternoon, Ms. Stengel.

14 A. Hello.

15 Q. My name is Heidi Cesare. I'm going to ask you some
16 questions.

17 A. Yes.

18 Q. All right. Let's start out by talking about dates,
19 all right? The first e-mail you got about a job for Mr.
20 Yannai was received on February 17th, 2008; is that
21 right?

22 A. Yes.

23 Q. Okay. You went to his house, you actually traveled
24 to his home on July 29th, 2008, right?

25 A. Can be. I'm not remember.

Ms. Stenzel - Cross - Ms. Cesare

1 Q. Does that date sound about right?

2 A. Yes.

3 Q. Because you were definitely in his home in August of
4 2008, right?

5 A. Yes.

6 Q. And you traveled at the end of the month, which would
7 have been July?

8 A. Could be, yes.

9 Q. Okay. So between February 17th, 2008 and July 29th,
10 2008, you had a continuous e-mail correspondence with Mr.
11 Yannai; is that right?

12 A. Yes.

13 Q. Other important dates would be August 18th. That was
14 the date you flew to Michigan, correct?

15 A. Yes.

16 Q. And you stayed in Michigan for two days?

17 A. Yes.

18 Q. And you went back home to Germany on or about October
19 18th, 2008; is that right?

20 A. Yes.

21 Q. You were asked a lot of questions about your English
22 abilities on direct, right?

23 A. Yes.

24 Q. And your English is better today than it was in 2008,
25 right?

Ms. Stenzel - Cross - Ms. Cesare

1 A. Yes, definitely.

2 Q. But in 2008, during the three months you were in Mr.
3 Yannai's home, you spoke exclusively English in the home,
4 right?

5 A. As good as I can. Yes.

6 Q. Do you speak any other languages other than English
7 and German?

8 A. A little bit French.

9 Q. So when you were in Mr. Yannai's house, you were
10 living with Joseph, Elena and Gisele, correct?

11 A. And the dog, yes.

12 Q. The dog -- but the dog didn't speak.

13 The human beings all spoke English when they spoke to
14 one another, right?

15 A. Yes.

16 Q. And all of the e-mail correspondence you had over the
17 course of a five-month period was exclusively in English;
18 is that right?

19 A. Yes.

20 (Pause.)

21 Q. On direct you said that sometimes you had to check
22 the dictionary to understand the e-mails that Joseph and
23 Joanna wrote to you, right?

24 A. Yes.

25 Q. Of any questions you had, you either resolved with a

Ms. Stenzel - Cross - Ms. Cesare

1 dictionary or you told them, you asked, right? You
2 responded that you didn't understand?

3 A. No.

4 Q. In February in either the second or third e-mail you
5 got, in those first discussions about the job as a
6 personal assistant, this Joanna character sent you two
7 photographs, right?

8 A. Yes.

9 Q. I'm going to show you what's in evidence as P1.
10 That's one of the pictures --

11 A. Yes.

12 Q. -- that was sent to you, right?

13 A. Yes.

14 Q. Now, you don't need to speak English to understand
15 what's in this picture, right?

16 A. They are different ways of understanding this
17 picture.

18 Q. All right. But it certainly -- your inability to
19 speak English or read English has nothing to do with your
20 ability to understand what's in this picture?

21 A. No.

22 Q. Now when you received this picture, you understood
23 that it was a picture of Joseph Yannai kissing a woman
24 who had been his personal companion, right?

25 A. Yes.

Ms. Stenzel - Cross - Ms. Cesare

1 Q. And that woman in the picture was identified as
2 Joanna?

3 A. Yes.

4 Q. And in the picture, the two of them were in Israel on
5 trip.

6 A. Yes.

7 Q. And they were kissing across the table?

8 A. Yes.

9 Q. And when you received this picture, you also
10 understood that Joseph was looking to replace Joanna with
11 a new companion/personal assistant?

12 A. Yes, but I thought Joanna looks for this next person
13 who gets into her feet (sic).

14 Q. Right. You thought Joanna was helping him find her
15 own replacement, right?

16 A. Yes.

17 Q. But you understood from the e-mail correspondence
18 that Joseph was trying to replace Joanna, right?

19 A. Yes.

20 Q. And he was inviting you to replace the person that
21 was pictured in photograph marked P1?

22 A. No, this I don't understand.

23 Q. Okay. You understood that Joseph was looking for a
24 replacement for Joanna?

25 A. I was trying to say that at that point in time I did

Ms. Stenzel - Cross - Ms. Cesare

1 not understand it that way.

2 Q. Well when Joanna wrote to you, she told you that she
3 used to be Joseph's personal assistant/companion, right?

4 A. Yes.

5 Q. She said she was helping him find her replacement?

6 A. Yes.

7 Q. And she sent you this picture?

8 A. Yes.

9 Q. And so when you got this picture, you understood that
10 Joseph was trying to replace the person that he was
11 kissing in this picture?

12 A. Yes.

13 Q. So you knew that Joseph was looking for a personal
14 companion who was willing to travel with him?

15 A. Yes.

16 Q. And you knew that Joseph was looking for a personal
17 companion who was willing to hold hands with him?

18 A. No, this I don't understand.

19 Q. Well, I'm looking at the picture marked P1. He's
20 holding hands with this young lady, right?

21 A. Yes.

22 Q. And he was looking for her replacement, right?

23 A. Yes.

24 Q. It would be fair to say from looking at this picture,
25 you knew that Joseph was looking for a personal companion

Ms. Stenzel - Cross - Ms. Cesare

1 who'd be willing to hold hands with him?

2 A. One could come to that conclusion, yes.

3 MS. CESARE: May we publish P-1?

4 Q. And you also understood when you saw this picture,
5 that Joseph was looking for a personal companion who'd be
6 willing to kiss him on the lips?

7 A. No.

8 Q. Well, sitting here now, looking at this picture,
9 isn't it reasonable -- wouldn't it be reasonable to
10 understand that Joseph was looking for a replacement
11 who'd be willing to kiss him on the lips?

12 A. At that moment, now, yes, but further no.

13 Q. So when you got this picture, you didn't think that?

14 A. For a very short moment.

15 Q. You had that thought for a short moment?

16 A. Yes.

17 Q. Did you have that thought for a short moment when you
18 received this picture?

19 A. Yes.

20 Q. Now, on direct you went through a lot of the e-mails
21 that you and Joseph and Joanna wrote back and forth to
22 one another; is that right?

23 A. Yes.

24 Q. And did you save the e-mails?

25 A. Yes.

Ms. Stenzel - Cross - Ms. Cesare

1 Q. And at some point, did the investigators ask you to
2 send them the e-mails that you had saved?

3 A. Yes.

4 Q. Did you save all the e-mails that you had between
5 Joseph and yourself?

6 A. I think so, yes.

7 Q. Every single one? Yes?

8 A. I'm not actually sure.

9 Q. Did you delete any of the e-mails that you had with
10 yourself and Joseph?

11 A. Three years of -- it had been for three years, I'm
12 not sure.

13 Q. All right. The last e-mail that Joseph sent you is
14 marked as Government Exhibit 714, and that was an e-mail
15 that had a message from Joseph dated June 10th, 2008; is
16 that right?

17 A. I'm not sure.

18 Q. All right.

19 (Pause.)

20 Q. I'm showing to you --

21 MS. CESARE: Please publish to the jury what's
22 in evidence as Government Exhibit 714?

23 A. Yes.

24 Q. You see that?

25 A. Yes.

Ms. Stenzel - Cross - Ms. Cesare

1 Q. This is the latest e-mail of all the e-mails you sent
2 to the investigators, right?

3 A. I think so.

4 Q. And it's dated June 10th, 2008?

5 A. Yes.

6 Q. But you didn't arrive to Joseph Yannai's house until
7 July 29th, 2008; is that right?

8 A. Yes.

9 Q. So seven weeks passed between the e-mail that's in
10 Government Exhibit 714 and the time you arrived at
11 Joseph's house, right?

12 A. Yes.

13 Q. And you had e-mail correspondence during that period
14 of time, didn't you?

15 A. I don't know.

16 Q. Well you don't -- you e-mailed him back and forth
17 just every few days, up until the time you went to his
18 house, right?

19 A. I think I wrote him that I had my exams at school and
20 things like that.

21 Q. Uh-huh. Uh-huh. Did you have any e-mails about what
22 flight you would take?

23 A. Yes.

24 Q. When did you buy your ticket? How close in time
25 before you went to his house did you buy the ticket?

Ms. Stenzel - Cross - Ms. Cesare

1 A. I don't remember. I --

2 Q. But it's fair to say that for the period of time from
3 June 10th until July 29th, we have no copies of any e-
4 mails you wrote to Joseph or received from Joseph?

5 A. I don't know.

6 Q. I'm going to show you for identification purposes
7 Defense Exhibit D-3. Okay. Ms. Stengel, do you
8 recognize what I'm showing you?

9 A. Yes.

10 Q. Okay. That's a cleaner copy of the e-mail that you
11 received from Joseph Yannai on June 8th, 2008, right?

12 A. Yes.

13 Q. Okay.

14 MS. CESARE: Okay. I move VS-3 into evidence.

15 MS. STONE: No objection.

16 THE COURT: It's admitted.

17 (Defense Exhibit No. VS-3 received in evidence.)

18 Q. I'm going to show you for identification purposes
19 Defense Exhibit VS-4. All right, Ms. Stenzel, can you
20 see that on your monitor?

21 A. Yes.

22 Q. And that's the e-mail that Joseph sent you on
23 June 10th, 2008, right?

24 A. Yes.

25 MS. CESARE: I move VS-4 into evidence.

Ms. Stenzel - Cross - Ms. Cesare

1 MS. STONE: No objection.

2 THE COURT: It's admitted.

3 (Defense Exhibit No. VS-4 received in evidence.)

4 MS. CESARE: May I publish V-3 to the jury?

5 THE COURT: Uh-huh.

6 Q. Now V-3 is an e-mail that was sent on June 8th, 2008.

7 Do you see that?

8 A. Yes.

9 Q. And it was to you?

10 A. Yes.

11 Q. Your e-mail address was dimixgirl@yahoo.de?

12 A. Yes.

13 Q. What does dimixgirl mean?

14 A. Dimix is a beer in Germany and -- yeah, this is an
15 old e-mail address. A friend made this because I didn't
16 have one and she made this name.

17 Q. This is the e-mail address you used?

18 A. Yes.

19 Q. It was your exclusive e-mail address?

20 A. Yes.

21 Q. So that translates in English to beer girl or
22 something like that?

23 A. No, the -- it's a special name. It's only -- Dimix
24 is the name of this particular brand of beer.

25 Q. Okay. Is that your favorite kind of beer?

Ms. Stenzel - Cross - Ms. Cesare

1 A. No.

2 Q. All right. Do you like -- do you use this e-mail
3 because you're fond of drinking beer? Is that something
4 you do --

5 MS. STONE: Objection, Your Honor.

6 THE COURT: Overruled.

7 THE WITNESS: I can't hear you, please say
8 again.

9 MS. CESARE: Oh, I'm sorry.

10 Q. Do you usually identify yourself as -- with drinking
11 beer?

12 A. No.

13 Q. Okay. Do you have any other -- did you have any
14 other e-mail addresses at the time --

15 A. Yes.

16 Q. -- in June -- in 2008?

17 A. No.

18 Q. That was your exclusive e-mail address? Was that
19 your only e-mail address --

20 A. I'm thinking.

21 Q. -- at that time?

22 A. I'm thinking. I'm not sure.

23 Q. Okay. So in this e-mail it's actually an e-mail that
24 was sent by Joanna, right?

25 A. Yes.

Ms. Stenzel - Cross - Ms. Cesare

1 Q. And in the e-mail she talks to you about how Joseph
2 would like you to dress while you work in his home,
3 right?

4 A. Yes.

5 Q. And that's in the first paragraph, I'm circling it.
6 Do you see that?

7 A. Yes.

8 Q. And she tells you that you need to be elegant,
9 aesthetic, and classy, right?

10 A. Yes.

11 Q. That you need to be elegant and beautiful and
12 ladylike, that's what that mean, right?

13 A. Yes.

14 Q. Only skirts and dresses while you're working in the
15 house, right?

16 A. Right.

17 Q. And that you should expect that Joseph himself might
18 most of the time be wearing only a robe?

19 A. Yes.

20 Q. And then in the next paragraph she tells you that
21 when Joanna went to his house she gave him a private
22 fashion show of all the clothes she owned.

23 A. Yes.

24 Q. And that she showed Joseph all the outfits that she
25 had to wear?

Ms. Stenzel - Cross - Ms. Cesare

1 A. Yes.

2 Q. So he could comment on them?

3 A. Yes.

4 Q. And so that he could tell her what were good outfits
5 and what were not good outfits?

6 A. Yes.

7 Q. Okay. Now when you received this e-mail you
8 understood at that time that Joseph was looking for a
9 woman who would be attractive and sexy, right?

10 A. Not in this case. I thought he wanted this because
11 for the work.

12 Q. What about the fashion show business? What --

13 A. The fashion --

14 Q. -- what would be the purpose of giving Joseph a
15 fashion show?

16 A. I thought she wasn't sure what kind of things she
17 brought with her would have been okay or not.

18 Q. But you knew when you read this that Joseph was a man
19 who was interested in what his assistants looked like,
20 right?

21 A. Yes.

22 Q. He wanted young women who would wear skirts, right?

23 A. I don't know.

24 Q. But that's what the e-mail said, right?

25 A. But I don't know what he is thinking.

Ms. Stenzel - Cross - Ms. Cesare

1 Q. But if the -- it'd be fair to say from your point of
2 view it was obvious that he was interested in hiring
3 attractive women who'd wear skirts, right?

4 A. No.

5 Q. And then at the end of this e-mail the very last
6 sentence is, "Did you discuss with Joseph what kind of
7 relationship you two are going to have?"

8 A. Yes.

9 Q. And you responded to that last question with your
10 next e-mail, you wrote back the very next day, right?

11 A. Yes.

12 Q. And your answer was on June 9th. Showing you VS-4 in
13 evidence, please publish. On June 9th you wrote back and
14 you wrote back, "Thank you very much for your advices, I
15 will strictly implement and follow them." Right?

16 A. Yes.

17 Q. And when you wrote that were you thinking about doing
18 a fashion show for Joseph?

19 A. No.

20 Q. Were you -- and then the next line you wrote was, "Um
21 no, we didn't exactly discuss the relationship between
22 us." Right?

23 A. Yes.

24 Q. And then you asked Joanna to please tell you what
25 kind of relationship it would be, right?

Ms. Stenzel - Cross - Ms. Cesare

1 A. Yes.

2 Q. And the next day on June 10th you got an answer to
3 your question, right?

4 A. Yes.

5 Q. You got an e-mail talking about what kind of a
6 relationship you'd have with Joseph, right?

7 A. Yes.

8 Q. And this is at the top of Defendant's Exhibit VS-4,
9 right? Do you see that?

10 A. Yes.

11 Q. The first paragraph talks -- says -- begins by
12 saying, "Joseph will let you decide what kind of
13 relationship you wish to have with him." Right?

14 A. Yes.

15 Q. And in this e-mail there's -- Joanna talks about two
16 options, right?

17 A. Yes.

18 Q. Two kinds of relationships.

19 A. Yes.

20 Q. Joseph's preference was the first option, right?

21 A. Yes.

22 Q. And in this letter in the second sentence --
23 beginning at the second sentence she writes, "His
24 preference, of course, is that you will have the same
25 kind of relationship he had with me or even closer." Is

Ms. Stenzel - Cross - Ms. Cesare

1 that right?

2 A. Yes.

3 Q. Because she wrote to you, "We loved each other very
4 much. We cared about each other. We did everything to
5 please each other. We were very intimate together." Did
6 she write that to you?

7 A. Yes.

8 Q. Now when you read this sentence you understood
9 clearly that Joseph was inviting you to have an intimate
10 relationship with him, right?

11 A. No.

12 Q. Well, in this e-mail you see the phrase "his
13 preference of course," right? You see that?

14 A. Yes.

15 Q. And that -- and then the -- the relationship that --
16 the preferred relationship is described as being very
17 intimate together, right?

18 A. Yes.

19 Q. And when you read this you were a young adult, right?

20 A. Yes.

21 Q. You understood what intimate meant?

22 A. No, at this point in time I did not understand it
23 that way.

24 Q. Okay. All right. This is embarrassing to talk
25 about, right?

Ms. Stenzel - Cross - Ms. Cesare

1 A. Yes, of course I'm embarrassed and ashamed about what
2 happened.

3 Q. All right, all right. So taking a step back, all
4 right, you've had a chance to read all these e-mails lots
5 of times by now, right? And we know that this e-mail was
6 really written by Joseph, right? Right?

7 A. I'm not sure. I only can guess.

8 Q. But you think it was probably written by Joseph
9 because you realized he was using the Joanna e-mail while
10 you were at his house?

11 A. I don't know.

12 Q. But this was an e-mail on Joseph's behalf, right?

13 A. Yes.

14 Q. And even though you say you didn't understand it at
15 the time it's plain -- reading it now it's clear that
16 Joseph was interested in having a very intimate
17 relationship with his personal assistant companion?

18 A. Yes, now it's clear, yes.

19 Q. And there's even another line where he -- it was
20 written, "That he will be for you like a devoted loving
21 man." Right? Do you see that?

22 A. Yes.

23 Q. So reading that now it's obvious that what Joseph was
24 really interested in was having an intimate relationship
25 with you; is that right?

Ms. Stenzel - Cross - Ms. Cesare

1 A. Yes.

2 Q. And he told you so in this e-mail on June 10th?

3 THE INTERPRETER: Sorry?

4 Q. And he told you so in this June 10th, 2008 e-mail?

5 A. Yes.

6 Q. The other option in this e-mail, the other option for
7 a relationship was a formal -- more formal relationship,
8 correct?

9 A. Yes.

10 Q. And then at the end of this e-mail, the very last
11 line to you is, "I think you should discuss it openly
12 with Joseph." Right?

13 A. Yes.

14 Q. That was the advice to you is to talk to Joseph about
15 the relationship, right?

16 A. Yes.

17 Q. And this is the last e-mail we have of your
18 correspondence with either Joseph or Joanna, correct?

19 A. Yes.

20 Q. So we don't know what -- if you ever responded to
21 this suggestion that you discuss it openly we don't have
22 that e-mail, right?

23 A. I sent all the e-mails I could find, but in the
24 beginning we had a certain problem because Donna gave me
25 her e-mail address over the telephone, and at the

Ms. Stenzel - Cross - Ms. Cesare

1 beginning a lot of things went wrong.

2 Q. Okay. So your reply for the June 10th e-mail is
3 missing?

4 A. Yes, I think so.

5 Q. Either lost or deleted, it's gone?

6 A. Or maybe it still exists.

7 Q. Do you think it's possible you sent it to the
8 investigators in the case?

9 A. Could be.

10 Q. You haven't read any of the e-mails after June 10th,
11 right? No one has asked you to review them, right?

12 A. I would have to check in my online account to see
13 whether there is an additional e-mail.

14 Q. You did say in your direct testimony that you told
15 Joseph that you choice option one -- relationship option
16 one?

17 A. Yes.

18 Q. Now let's talk about Mr. Yannai's house. You
19 remember his house, right?

20 A. Yes.

21 Q. It's on Salem Road in Pound Ridge?

22 A. Yes.

23 Q. It's a very -- it's a big comfortable house, right?

24 A. Yes.

25 Q. And the main entrance is on the top floor; is that

Ms. Stenzel - Cross - Ms. Cesare

1 right?

2 A. Yes.

3 Q. And then there's a second floor below -- there's a
4 second lower floor, correct?

5 A. Yes.

6 Q. All right. On the top floor is a kitchen, a large
7 spacious living room, a dining area; is that right?

8 A. That's right, yes.

9 Q. Closets?

10 A. Yes.

11 Q. A big wide open entrance way?

12 A. Yes.

13 Q. And there are two bedrooms on the top floor, right?

14 A. Yes.

15 Q. And in between the two bedrooms is a bathroom?

16 A. Yes.

17 Q. Okay. And that bathroom has a Jacuzzi in it, right?

18 A. Yes.

19 Q. And downstairs on the bottom floor is another living
20 room area, right?

21 A. Right.

22 Q. And the home office, the workstation?

23 A. Yes.

24 Q. And Joseph's bedroom is downstairs?

25 A. Yes.

Ms. Stenzel - Cross - Ms. Cesare

1 Q. And that's the bedroom he shared with his wife Elena?

2 A. Yes.

3 Q. And there was also a fourth bedroom close to Joseph
4 and Elena's bedroom, right?

5 A. Yes.

6 Q. And there was a second bathroom between those two
7 bedrooms, right?

8 A. Yes.

9 Q. So there was an upstairs bathroom and a downstairs
10 bathroom?

11 A. Yes.

12 Q. And each bathroom was situated between two bedrooms?

13 A. Yes.

14 Q. Okay. And you were -- when you got there you were
15 given one of the bedrooms on the top floor, right?

16 A. My bedroom?

17 Q. Yeah.

18 A. Yes.

19 Q. And you had -- and Gisele had the other bedroom on
20 the top floor, right?

21 A. Yes.

22 Q. And the two of you shared what was essentially a
23 semi-private bathroom between the two of you?

24 A. It depends, we get ready together so one took the
25 bathroom above and the other took the shower downstairs.

Ms. Stenzel - Cross - Ms. Cesare

1 Q. Okay. The Yannai's have neighbors, right?

2 A. Yes.

3 Q. There was a house across the street?

4 A. Yes.

5 Q. There was a house next door?

6 A. Yes.

7 Q. There was a house on the other side of the pond?

8 A. Yes.

9 Q. You yourself went for many walks around the
10 neighborhood, right?

11 A. Yes.

12 Q. Almost every day you went out for a long walk, right?

13 A. Yes.

14 Q. And when you went for walks you would see all -- you
15 know, you'd pass by many, many houses, right?

16 A. Yes.

17 Q. And you even took pictures of a lot of the houses,
18 right?

19 A. Right.

20 Q. Did you take the pictures because you were impressed
21 by how beautiful the area was?

22 A. I liked there was the houses, the buildings, how they
23 are built.

24 Q. Right.

25 A. So --

Ms. Stenzel - Cross - Ms. Cesare

1 Q. It's a very pretty area isn't it?

2 A. Yeah.

3 Q. Yeah, there actually were a lot of mansions and fancy
4 estates in that town, right?

5 A. Yes.

6 Q. Horse farms?

7 A. Yes.

8 Q. And the -- now when -- and while you were there you
9 sometimes would observe the neighbors in their car or out
10 in the yards, right?

11 A. Yes.

12 Q. While you were at Mr. Yannai's house sometimes people
13 came to the house to take care of the computer equipment,
14 right?

15 A. It came to work one day, but I'm not sure if they
16 repaired the --

17 Q. Okay.

18 A. -- computers, but they repaired something.

19 Q. And did the garbage men come a couple times a week to
20 pick up the trash?

21 A. Yes.

22 Q. And did the neighbors have people that did --
23 regularly did their yard work?

24 A. Could be, yeah?

25 Q. It was summertime so you remember lawns being mowed,

Ms. Stenzel - Cross - Ms. Cesare

1 trees being trimmed, that sort of stuff?

2 A. Yeah.

3 Q. There was traffic on the road outside of the Yannai
4 residence?

5 A. Yeah.

6 Q. You knew how to walk to town?

7 A. Yes.

8 Q. And in town there was a deli, there was a gas
9 station, there was a public library; is that right?

10 A. The grocery store was at a certain distance from the
11 town.

12 Q. All right. But you knew where it was?

13 A. Yes.

14 Q. And you could walk there, right?

15 A. Yeah, but it took four hours.

16 Q. Four hours?

17 A. Yes.

18 Q. There was a -- you knew where the local school was,
19 right?

20 A. No.

21 Q. Did you ever go to a baseball field?

22 A. Yeah.

23 Q. Okay. And you also went to the park nearby?

24 A. Yes.

25 Q. Now before you -- before you agreed to become a

Ms. Stenzel - Cross - Ms. Cesare

1 personal assistant/companion for Joseph Yannai you got an
2 e-mail talking to you about the pay plan for the job,
3 right?

4 A. Yes.

5 Q. Okay. And in that e-mail it was very clear that
6 there were two options. You could take a live-in option
7 or a live-out option; is that right?

8 A. That's right.

9 Q. And the live-in option was an agreement that -- to
10 give you free room and board, all expenses paid, in
11 exchange for your assistance -- for your job as a
12 personal assistant/companion?

13 A. You said that was the first option?

14 Q. There were two options, a live-in option and a live-
15 out option, right?

16 A. Yes, yes.

17 Q. The live-in option was room and board -- room, board,
18 and all expenses paid, right?

19 A. Yes.

20 Q. No salary of any kind, correct?

21 A. A bonus.

22 Q. Right. And the bonus, it was very clear in the
23 e-mail that there would be a \$20,000 bonus if, and only
24 if, you finished a whole year --

25 A. Yes.

Ms. Stenzel - Cross - Ms. Cesare

1 Q. -- working for Mr. Yannai, right?

2 A. Yes.

3 Q. So you knew that you weren't going to get a salary on
4 a weekly basis, right?

5 A. Yes.

6 Q. Okay. And also in that live-in option there was no
7 promise of paying for educational expenses?

8 A. No.

9 Q. Okay.

10 A. Right.

11 Q. The live-out option was your other choice, that was
12 -- and that option was to be paid \$2,000 a month with no
13 room and board, right?

14 A. Yes.

15 Q. And you chose the live-in option?

16 A. Yes.

17 Q. And you understood it, right, and it was -- you
18 understood that option?

19 A. Yes.

20 Q. And it was acceptable to you?

21 A. Of course.

22 Q. Now when you decided to take this job, when you
23 decided to come and be Mr. Yannai's personal assistant
24 did you tell people where you were going?

25 A. Yes.

Ms. Stenzel - Cross - Ms. Cesare

1 Q. Did you tell your family where you'd be staying?

2 A. Of course.

3 Q. Right. You had Mr. Yannai's name, his address, his
4 phone number, his e-mail address, right?

5 A. Yes.

6 Q. And you shared all that information with everybody so
7 they knew where you'd be, right?

8 A. Only my parents.

9 Q. Okay. But is that because that your parents were the
10 most important people to know?

11 A. Yes.

12 Q. Okay. Before you -- before you came to Mr. Yannai's
13 house did you do any research on the location?

14 A. Yes.

15 Q. Did you look on a map and see where Pound Ridge, New
16 York was located?

17 A. Yes.

18 Q. And you could see how far away it was from New York
19 City?

20 A. That interested me not so much. I wanted to see
21 where it had been, this house.

22 Q. Okay. But you were able to look up on a map and see
23 where --

24 A. I don't think so, yeah.

25 Q. -- Pound Ridge is placed in relationship to the rest

Ms. Stenzel - Cross - Ms. Cesare

1 of the world, right?

2 A. Yes.

3 Q. And were you able to use Google maps and see an
4 actual imagine of the address?

5 A. I saw the streets on like Quest Map, a program and
6 you look for a street. Yeah, I saw the street.

7 Q. Okay. Did you use something called MapQuest?

8 A. Yes, I think it's called differently in Germany, yes.

9 Q. Vanessa, does that sound familiar, MapQuest?

10 A. I don't know this, no.

11 Q. Okay. But when you looked up the address were you
12 able to see imagines? Visual imagines of the place?

13 A. I only saw the streets, the name, then the colors
14 from -- they are different colors, you know, when there
15 is grass or a hill then you see different colors.

16 Q. Okay. And do you --

17 A. They are marked there on the map.

18 Q. Do the colors indicate how heavily trafficked the
19 roads are?

20 A. They just show where there is grass, where there are
21 mountains, where there are hills, where there's a park.

22 Q. All right. Now before -- now you flew on July -- you
23 arrived in New York on July 29th, 2008, right?

24 A. Yes.

25 Q. And before that you'd never met Mr. Yannai in person,

Ms. Stenzel - Cross - Ms. Cesare

1 right?

2 A. Yes.

3 THE COURT: Yes is what?

4 THE WITNESS: No, no. Sorry.

5 Q. And did you have -- you know, did you imagine the
6 possibility that you would not like him when you got to
7 his house?

8 A. No.

9 Q. I mean did you contemplate the possibility that you'd
10 get to his house and say I don't really want this job?

11 A. It was a little adventure also.

12 Q. That was your mindset, you were looking for an
13 adventure?

14 A. No. There was a certain uncertainty in this entire
15 trip.

16 Q. Right. But what I'm asking you is did you have a
17 backup plan, did you have a plan for what you would do in
18 case you got to New York and changed your mind and said I
19 don't want to go, I don't want to go to Mr. Yannai's
20 house?

21 A. No, that was not something I thought about at that
22 point in time.

23 Q. You -- so you had no strategy to go home in case your
24 changed your mind?

25 A. Well, I did have my return ticket to Germany.

Ms. Stenzel - Cross - Ms. Cesare

1 Q. All right. But what if you wanted to stay for less
2 than three months? What was your strategy if you decided
3 you did not want to stay the whole three months?

4 A. I have no strategy.

5 MS. CESARE: Your Honor?

6 THE COURT: What.

7 MS. CESARE: I'm going to move onto another
8 topic, perhaps it's a good time to lunch.

9 THE COURT: All right, we'll break for lunch
10 for an hour and ten minutes.

11 THE COURT: You can step down.

12 MR. SPECTOR: Judge, just a housekeeping
13 matter. This witness --

14 THE COURT: Let her go.

15 MS. SPECTOR: Sure.

16 THE COURT: Go ahead.

17 MR. SPECTOR: We're just going to have the
18 agent sit with her and get her lunch. They've instructed
19 and she's been instructed not to discuss anything of her
20 testimony thus far.

21 THE COURT: Okay.

22 (Court recessed.)

23 (Jury enters the courtroom.)

24 THE CLERK: Please be seated.

25 MS. CESARE: May I?

Ms. Stenzel - Cross - Ms. Cesare

1 BY MS. CESARE:

2 Q. Ms. Stenzel, directing your attention to the day that
3 you arrived at Joseph Yannai's house, do you have a
4 recollection of what you brought with you?

5 A. My baggage with all my stuff, my laptop, my phone.

6 Q. A video camera?

7 A. Yeah.

8 Q. Did the video camera also function as an ordinary
9 camera?

10 A. Yes.

11 Q. Okay. So it was one device, one device --

12 A. One camera which you can took some photos and also
13 make videos, yes.

14 Q. Okay. And did you travel on your German passport?

15 A. Yes.

16 Q. Did you have other ID with you?

17 A. I think my driver license.

18 Q. You have a German driver's license?

19 A. Yes.

20 Q. When you got to Joseph's home, did he take anything
21 from you?

22 A. No.

23 Q. No, he didn't take your passport, did he?

24 A. No.

25 Q. He didn't take any of your money?

Ms. Stenzel - Cross - Ms. Cesare

1 A. No.

2 Q. Okay. You had a private place to keep your personal
3 things when you were in his home?

4 A. In my room.

5 Q. Okay. And as far as you know, Joseph never went into
6 your room, he never looked through your personal
7 belongings?

8 A. No.

9 Q. Did he ever go into your bedroom while you were
10 there?

11 A. He had been there once with me, yes.

12 Q. Okay. But you felt that your bedroom in that house
13 was a private place for yourself, right?

14 A. Yes.

15 Q. And it was, in fact, private?

16 A. Yes.

17 Q. When you got to Joseph's house, the first thing you
18 got was a tour of the house, right?

19 A. Yes.

20 Q. And you met his wife, Elena?

21 A. Yes.

22 Q. And you met Gisele Lunkes?

23 A. Yes.

24 Q. She was the other personal assistant/companion living
25 in the house?

Ms. Stenzel - Cross - Ms. Cesare

1 A. Yes.

2 Q. And after you were introduced to everybody, you had a
3 conversation with Joseph, right?

4 A. Yes.

5 Q. And the two of you sat down together in the living
6 room?

7 A. Yes.

8 Q. You sat on the sofa?

9 A. Yes.

10 Q. And he talked to you about the relationship that you
11 might have together?

12 A. Yes.

13 Q. He told you that with other personal assistants he
14 had had an intimate relationship.

15 A. I don't remember.

16 Q. Well, he told you that he wanted to have an intimate
17 relationship with you, right?

18 A. Could be.

19 Q. With you, yes.

20 A. Could be, yes.

21 Q. And he told you that he had that kind of a
22 relationship with Gisele?

23 A. I can't remember.

24 Q. Okay. But when he talked to you about having an
25 intimate relationship, you understood he was talking

Ms. Stenzel - Cross - Ms. Cesare

1 about, you know, sexual intimacy, right?

2 A. I had some kind of premonition.

3 Q. Well, he was being explicit when he talked to you in
4 person, he told you he wanted to have an intimate sexual
5 relationship with you, right?

6 A. Yeah, but it was difficult for me to understand
7 really specific words.

8 Q. Okay. But did you understand the gist of his
9 conversation?

10 A. Yes.

11 Q. And he told you that in his opinion, it would be
12 better if you agreed to have an intimate relationship?

13 A. You want to know whether he said that?

14 Q. Yes.

15 A. Yes.

16 Q. Okay. And he also said it would be better if he
17 could tell you how to dress and how to behave?

18 A. Yes.

19 Q. And he also said you could choose a different kind of
20 relationship, you could have an ordinary workplace
21 relationship?

22 A. Yes.

23 Q. And he said if you chose the cold relationship, that
24 wouldn't be as good.

25 A. Yes.

Ms. Stenzel - Cross - Ms. Cesare

1 Q. He tried to convince you it would be better to be
2 intimate.

3 A. Yes.

4 Q. And he said that if you chose the non-intimate
5 relationship, then you wouldn't get to do anything
6 special with him.

7 A. No.

8 Q. Well, he talked to you about going on trips, right?

9 A. I can't remember on this.

10 Q. Okay. And after this conversation, you called your
11 mom.

12 A. Yes.

13 Q. And you told your mother you arrived safely.

14 A. Yes.

15 Q. And everything was fine.

16 A. Yes.

17 Q. And you told her it was a beautiful house, right?

18 A. I just told her that I arrived.

19 Q. Did she ask you what it was like?

20 A. No.

21 Q. Did she ask you how they were treating you?

22 A. No.

23 Q. Did she ask you if you were okay?

24 A. Yes.

25 Q. And you said yes, I'm okay, everything's fine.

Ms. Stenzel - Cross - Ms. Cesare

1 A. Yes.

2 Q. And then after that conversation with Joseph, you
3 decided that you were going to stay in this house, right?

4 A. Yes.

5 Q. And did you tell him which option you preferred?

6 A. Yes.

7 Q. And did you tell him you preferred to be intimate or
8 did you tell him you preferred to be not intimate?

9 A. I choose the live-in option that I could be a part of
10 the family.

11 Q. Okay. So are you saying you agreed that the first
12 option -- you agreed that you'd have the intimate
13 relationship with him?

14 A. Yes.

15 Q. Okay. And that was the first day you were there?

16 A. Yes.

17 Q. Now, that day you also spent time getting to know
18 Gisele, right?

19 A. Yes.

20 Q. And you were living in Joseph Yannai's home for
21 nearly three months, right?

22 A. Yes.

23 Q. And pretty quickly, you fell into a regular routine?

24 A. With the work, yes.

25 Q. Yeah. So Monday -- on Mondays through Fridays, you

Ms. Stenzel - Cross - Ms. Cesare

1 more or less had the same schedule, right?

2 A. Yes.

3 Q. And the day would begin when Joseph's wife went off
4 to work, right?

5 A. Yes.

6 Q. After she went to work, you would have breakfast
7 together.

8 A. Yes.

9 Q. And either you or Gisele would make the coffee.

10 A. One of us.

11 Q. Okay. And you mentioned espresso on your direct
12 testimony, was that the type of coffee you made?

13 A. Yeah, for him.

14 Q. Did you make regular coffee for yourselves?

15 A. Yes.

16 Q. Okay. And then after the three of you had breakfast
17 together, Joseph would typically have a bath, right?

18 A. No, it was before the breakfast.

19 Q. Oh, he typically had his bath --

20 A. Someone was working then the other get ready the
21 bath.

22 Q. Uh-huh.

23 A. And before he was finishing the other person started
24 to prepare the breakfast.

25 Q. Okay.

Ms. Stenzel - Cross - Ms. Cesare

1 A. And after the bath, altogether we're sitting
2 downstairs and have together breakfast.

3 Q. Okay. And after -- did you have your breakfast
4 downstairs or upstairs?

5 A. Upstairs.

6 Q. In the office area?

7 A. Yeah.

8 Q. Okay. And then after breakfast, would you get back
9 to work doing research?

10 A. Yes, we start to work.

11 Q. And then you'd do a couple of hours of work in the
12 office, right?

13 A. Yes.

14 Q. And then it would be lunch time, right?

15 A. Yes.

16 Q. And the three of you would have lunch together every
17 day?

18 A. Yes.

19 Q. I'm just talking about week days, you, Joseph, and
20 Gisele would lunch together on ordinary week days?

21 A. Yeah, but sometimes also only two, because when we
22 drove to the doctor or so when I was outside with Joseph,
23 then sometimes it was time for lunch when we had been
24 outside, so we took also outside lunch.

25 Q. So --

Ms. Stenzel - Cross - Ms. Cesare

1 A. Gisele had to take her lunch at home or I.

2 Q. Okay. So some days you'd have lunch out, right?

3 A. Yes, right.

4 Q. And some days you'd have lunch in, right?

5 A. Right.

6 Q. Okay. When you arrived, would it be fair to say that
7 you observed that Gisele was a generally happy person?

8 A. Yes.

9 Q. And that first -- you know, when you were first --
10 those first few days, you observed that Gisele was having
11 an intimate sexual relationship with Joseph, right?

12 A. After few days, yes.

13 Q. You realized that at bath time, sometimes she was
14 providing oral sex to Joseph in the bathroom.

15 A. I've seen that, yes.

16 Q. And you also observed that Gisele would get in bed
17 with him when he finished his nap.

18 A. No, he took his nap, and then she stopped working,
19 and went into the bedroom, and wake him up.

20 Q. Okay. And did you assume that the two of them were
21 having sexual relations in the bedroom?

22 A. No.

23 Q. All right.

24 A. You mean the actual sex?

25 Q. Well, let's talk about the words you're using. When

Ms. Stenzel - Cross - Ms. Cesare

1 you say actual sex, do you mean intercourse?

2 A. Yeah.

3 Q. Okay. And so if we're talking -- when I talk about
4 -- and that is different than oral sex, right?

5 A. Yes.

6 Q. Okay. So when you use the phrase actual sex, you're
7 meaning specifically sexual intercourse, penis in the
8 vagina, right?

9 A. Yes. She did -- I didn't thought that she was doing
10 this.

11 Q. But you did -- you knew she was getting in bed with
12 him and hugging him and kissing him, right?

13 A. I didn't know what they have done there.

14 Q. Okay. But it would be fair to say that Gisele was
15 voluntarily walking into Joseph's bedroom, right?

16 A. Yes.

17 Q. She was acting of her own free will?

18 A. I don't know.

19 Q. You never went -- when you saw her giving a blow job
20 to Joseph, it was apparently consensual contact between
21 the two of them?

22 A. I don't know.

23

24

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Ms. Stenzel - Cross - Ms. Cesare

1 Q. Okay. Well, she never told you she was being forced,
2 did she?

3 MS. JAGER: I'm going to object.

4 THE COURT: Sustained.

5 THE WITNESS: No, she didn't tell me.

6 MS. STONE: Your Honor, I just move to strike.

7 THE COURT: Strike it.

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Ms. Stenzel - Cross - Ms. Cesare

1 Q. So eventually there came a time when you became the
2 personal assistant who prepared Joseph's bath in the
3 morning, right?

4 A. Yes.

5 Q. Okay. And that was after you had seen Gisele giving
6 Joseph a blow job in the bathroom.

7 A. Before.

8 Q. It was before? Okay.

9 And then -- and would you and Gisele take turns
10 preparing the bath?

11 A. Yes.

12 Q. So every other day, you would prepare Joseph's bath?

13 A. Depends.

14 Q. How would you decide between the two of you who would
15 do the bath?

16 A. In the beginning it was only she who prepared the
17 bath. And later we changed, but we didn't have any
18 pattern or any rules which we followed.

19 Q. Okay. And typically when you -- when it was your
20 turn to prepare the bath, you'd start off by making a
21 bubble bath for Joseph, right?

22 A. Yes, but also Gisele, also.

23 Q. Okay. But I'm talking about when it was your turn.

24 A. Yes. Yes.

25 Q. And then you would bring things to Joseph in the

Ms. Stenzel - Cross - Ms. Cesare

1 bath.

2 A. No.

3 Q. Well, you brought him his coffee, the phone?

4 A. This was actually standing there, I put the coffee
5 before this or I wait. I went downstairs and called
6 Joseph, the bath is ready, and he walked up, and I wait
7 until he took off his clothes, and after this, I came in
8 and put the espresso there --

9 Q. Okay.

10 A. -- and sit down on the little edge of the bathtub.

11 Q. Would he have his bath in the upstairs bathroom or
12 the downstairs bathroom?

13 A. Upstairs.

14 Q. All right. And that -- and eventually, you got to a
15 point where you, you know, you would actually bathe him,
16 right?

17 A. Yes.

18 Q. And you'd towel him dry?

19 A. At the last end, yes.

20 Q. And he'd become aroused?

21 A. Maybe.

22 Q. Okay. And sometimes you performed oral sex on him.

23 A. No.

24 Q. Never in the bathroom?

25 A. No.

Ms. Stenzel - Cross - Ms. Cesare

1 Q. Okay. In the bath, did he ever -- did you ever
2 initiate any kind of sexual contact with him in the
3 bathroom?

4 A. No.

5 Q. Did you ever take your shirt off and let him kiss
6 you?

7 A. No.

8 Q. So did Joseph ever ask you to give him a blow job in
9 the bathroom?

10 A. No.

11 Q. And did you think that was because Gisele was doing
12 that for him?

13 A. Yes.

14 Q. Okay. Now, you were friendly with Gisele while you
15 were in that house, right?

16 A. Yes.

17 Q. Did she encourage you, did she encourage you to have
18 sexual contact with Joseph?

19 A. No.

20 Q. Didn't she tell you it'd be better if you did?

21 MS. STONE: Your Honor, I'm going to object,
22 it's calling for hearsay.

23 THE COURT: Overruled.

24 THE WITNESS: I don't know, could be.

25 Q. Okay. But you -- for the entire time you were living

Ms. Stenzel - Cross - Ms. Cesare

1 in Joseph's house, you knew that Gisele was regularly,
2 voluntarily giving him oral sex?

3 A. No, I didn't know this.

4 Q. You had no idea?

5 THE COURT: You know you asked -- you've got
6 about three conjunctives in there.

7 MS. CESARE: Okay. Sorry.

8 THE WITNESS: I didn't know whether she did it
9 voluntarily.

10 Q. You never saw Joseph force her, did you?

11 A. No.

12 Q. After lunch time, typically Joseph would have his
13 nap, right?

14 A. Yes.

15 Q. And during nap time, you and Gisele would be in the
16 house.

17 A. Yes.

18 Q. Nobody else was there looking over you?

19 A. No.

20 Q. And you were free to do whatever you wanted in the
21 house, right?

22 A. Could be, yes.

23 Q. You could use the computers?

24 A. We were still working on the computers.

25 Q. And you could use the telephones if you wanted to.

Ms. Stenzel - Cross - Ms. Cesare

1 A. I think so.

2 Q. And you could leave the house if you wanted to.

3 A. Yes.

4 Q. Do you know where Joseph -- do you know how many cars
5 Joseph had?

6 A. Two.

7 Q. Do you know where he kept the car keys?

8 A. No. No.

9 Q. Do you know where he put his wallet down?

10 A. I never paid any attention to that.

11 Q. Okay. Now, at nap time at first when you were in the
12 house, Gisele would always go in and wake him up after
13 his nap, right?

14 A. Yes.

15 Q. And then sometimes Gisele would encourage you to come
16 with her to wake him up, right?

17 A. Sometimes.

18 Q. Okay. And you did.

19 A. At the beginning, no.

20 Q. Okay. But there did come a point where you go to
21 Joseph's --

22 A. No, I was called from Joseph and Gisele one time.

23 Q. Was this one time in the beginning of your stay at
24 Joseph's house?

25 A. In the middle.

Ms. Stenzel - Cross - Ms. Cesare

1 Q. And who called you?

2 A. I don't really remember.

3 Q. It was one of them called you from the bedroom?

4 A. Or both, I don't know.

5 Q. And they said, come on in, Vanessa?

6 A. No, they had calling me only, Vanessa.

7 Q. Okay. So you went into the bedroom.

8 A. Yes.

9 Q. And when you walked into the bedroom, you observed
10 that the two of them were under the blankets?

11 A. Yes.

12 Q. And it was clear that they had been or about to be
13 engaged in sexual contact?

14 A. No. It wasn't clear.

15 Q. Well, Joseph was lying in bed mostly naked, right?

16 A. Sometimes with a pajama or so.

17 Q. And Gisele was under the blankets with him?

18 A. Not directly under the blanket. She was -- he was in
19 the middle, and she was lying next to him, and under the
20 blanket, yeah.

21 Q. Well, eventually you would come into the bedroom
22 regularly after nap time.

23 A. No, it wasn't regularly.

24 Q. But more than once.

25 A. Yes.

Ms. Stenzel - Cross - Ms. Cesare

1 Q. Many times?

2 A. Sometimes, yes.

3 Q. A couple of times a week?

4 A. I don't know. I can't say. I don't remember.

5 Q. Okay. But you would lie down in bed with Joseph?

6 A. Yes.

7 Q. And Gisele would be there as well?

8 A. Yes.

9 Q. It'd start off with either one of you on either side
10 of Joseph.

11 A. No, normally I lie down on the side where Gisele was
12 lying already.

13 Q. Okay. And there were times when you and Gisele
14 kissed.

15 A. It had been one time, yeah.

16 Q. And there were times when you and Joseph kissed?

17 A. Yes.

18 Q. There were times when Gisele and Joseph kissed.

19 A. Yeah.

20 Q. And sometimes while you were in bed with Joseph and
21 Gisele, Gisele would perform oral sex on Joseph?

22 A. No.

23 Q. Never?

24 A. Not doing when I had been there.

25 Q. Okay. There were times when the three of you would

Ms. Stenzel - Cross - Ms. Cesare

1 be touching each other all at the same time.

2 A. No.

3 Q. Now, Joseph never forced you to get into his bed, did
4 he? Did he use physical force to put you in his bed?

5 A. No.

6 Q. You got in yourself of your own free will.

7 A. Yes.

8 Q. And you say -- you described on direct an incident
9 where you had oral sex with Joseph in his bed, right?

10 A. Yes.

11 Q. And you told us that during that incident, you never
12 pushed him away.

13 A. Yes.

14 Q. Now, this nap time business continued until you told
15 Joseph that you were ready to go back to Germany.

16 A. Yes.

17 Q. Now, you -- while you were in Joseph's home, you used
18 your video camera and took many videos, correct?

19 A. Correct.

20 Q. And one of the first videos you made was a tour of
21 his house.

22 A. Yes, from the outside and then into the house, this
23 was the first video.

24 Q. When did you make that video?

25 A. In the middle.

Ms. Stenzel - Cross - Ms. Cesare

1 Q. Somewhere in the middle of your stay?

2 A. Yes.

3 Q. So you were there August, September, and October, so
4 some time in September?

5 A. I think so, yes.

6 Q. So --

7 A. August.

8 Q. -- this was -- this is a video you made, you know,
9 while -- you know, at the same -- after you had started
10 getting into bed with him at nap time?

11 A. No. It was after the Michigan trip.

12 Q. You made the video after the Michigan trip?

13 A. Yes.

14 Q. All right.

15 MS. CESARE: So we're going to play it in its
16 entirety, the video that's in evidence is 715-A, also
17 previously marked as Defense Exhibit V-1.

18 THE COURT: I don't think it's necessary.

19 MS. CESARE: We haven't played it in its
20 entirety, Your Honor.

21 THE COURT: I don't think it's necessary to
22 play it in its entirety. The jury can see it when
23 they're deliberating, if they want to see it.

24 MS. CESARE: I'd like to ask the witness some
25 questions about what's on the video. It's only about

Ms. Stenzel - Cross - Ms. Cesare

1 four minutes long.

2 THE COURT: I know. I thought that -- you
3 know, go ahead, it doesn't pay to argue.

4 MS. STONE: Your Honor, if I may be heard. The
5 witness has reviewed the video and could answer
6 questions.

7 MS. CESARE: It's cross-examination. This was
8 a defense exhibit that we had intended to play.

9 THE COURT: All right. So the Government
10 offered it, the jury has seen parts of it. I don't know.
11 This is not a real estate trial over whether or not
12 anybody wants to buy the house. I don't know why we have
13 to watch this.

14 MS. CESARE: The purpose is not to show off the
15 house, it's to show the witness' state of mind.

16 THE COURT: I understand that, and I would have
17 admitted -- and it's been admitted, and I would have
18 admitted it. I don't know why we even saw any parts of
19 it. Look, play it, it doesn't pay to spend four minutes
20 arguing over it.

21 MS. CESARE: May we play what's marked as 715-
22 A, also marked as Defense B-1?

23 (Playback of video.)

24 MS. CESARE: Your Honor, I can try to start
25 this where we left off. Can you pause that for a minute

Ms. Stenzel - Cross - Ms. Cesare

1 and move about a third into the video. And may I ask,
2 the jurors still have the transcripts?

3 Your Honor, at this time, I'm going to move
4 into evidence Defendant's Exhibit B-1-A, just the German
5 translation of the words spoken on the video.

6 MR. SPECTOR: It's already in as 715-E.

7 THE COURT: Already in as 715-E.

8 MS. CESARE: All right. All right. It's in,
9 okay.

10 Can we play.

11 (Playback of video.)

12 MS. CESARE: Let it run a little longer and
13 then we'll pause again.

14 (Playback of video.)

15 MS. CESARE: You can stop now.

16 Q. This is the bathroom where Joseph had his bath every
17 morning, right?

18 A. Yes.

19 Q. And this -- and you took this video after your trip
20 to Michigan?

21 A. Yes.

22 Q. Okay. And you wanted to show your friends and family
23 how beautiful this bathroom was, right?

24 A. Not only the bathroom.

25 Q. The whole house.

Ms. Stenzel - Cross - Ms. Cesare

1 A. The house whole.

2 Q. Where you talked about this bathroom as being the
3 highlight, right?

4 A. It looks good, the bathroom.

5 Q. Right.

6 MS. CESARE: Can we finish the video?

7 (Playback of video.)

8 MS. CESARE: Okay. Thank you.

9 Q. You talked on direct about your trip to Michigan with
10 Joseph, right?

11 A. Yes.

12 Q. And you flew to Michigan on August 18th, 2008, right?

13 A. Yes.

14 Q. And you said that when you got there and realized the
15 two of you would be sharing the same hotel room with a
16 single bed, you said to yourself, oh, shit, right?

17 A. Yes.

18 Q. And after you had that reaction, you went out for a
19 walk, right?

20 A. Yes.

21 Q. Okay. While Joseph took a nap.

22 A. Yes.

23 Q. And you took -- you went for a walk out to the
24 waterfront and took a video, right?

25 A. Yes.

Ms. Stenzel - Cross - Ms. Cesare

1 Q. And we -- you -- that video was played earlier today,
2 correct?

3 A. Yes.

4 Q. Now -- and then after you took that video, you went
5 back to the hotel room, right?

6 A. Yes.

7 Q. And you described an incident where Joseph --

8 A. Yes.

9 Q. -- took off your clothes, right?

10 A. Yes.

11 Q. And touched you sexually.

12 A. Yes.

13 Q. And your testimony is that you let it happen.

14 A. Yes.

15 Q. You didn't push him away?

16 A. Yes.

17 Q. You didn't say no?

18 A. Yes.

19 Q. You were in a hotel room that had a telephone in it,
20 right?

21 A. In every hotel room is a telephone, yes.

22 Q. And there was a concierge downstairs in the lobby?

23 A. Yes.

24 Q. And there were other phones in the lobby.

25 A. Yes.

Ms. Stenzel - Cross - Ms. Cesare

1 Q. After you went back to New York, two days later, you
2 went on a day trip to New York City with Joseph and
3 Gisele, right?

4 A. I don't know if it was two days after this, but yeah,
5 we took this.

6 Q. It was very soon after, right?

7 A. Yeah.

8 Q. And you saved some mementoes of that trip, right?
9 You saved some tickets and things that you got on that
10 trip.

11 A. Yes.

12 Q. And you saved a ticket of a Circle Line Cruise,
13 right?

14 A. Yes.

15 Q. And the Circle Line Cruise ticket had the date August
16 23rd, 2008, right?

17 A. Yes.

18 Q. And you had -- it was a one day trip to New York
19 City, right?

20 A. Yes.

21 Q. So you were there on August 23rd, 2008, in New York
22 City.

23 A. Yeah.

24 Q. And on that trip, you brought your video camera.

25 A. Yes.

Ms. Stenzel - Cross - Ms. Cesare

1 Q. And you took many, many pictures.

2 A. Yes.

3 Q. And you took lots of videos of your day in the city.

4 A. Yes.

5 Q. And on that day, you went to Central Park?

6 A. Yes.

7 Q. You went on a horse ride in Central Park.

8 A. Yes.

9 Q. The horse and buggy ride.

10 A. Yes.

11 Q. That was you, Joseph, and Gisele, and the buggy.

12 A. Yes.

13 Q. You also went to St. Patrick's Cathedral.

14 A. Yes.

15 Q. A big, beautiful church.

16 A. Yes.

17 Q. You went to Rockefeller Center.

18 A. Yes.

19 Q. You went to Trump Plaza.

20 A. Yes.

21 Q. You went to out to dinner in Chinatown.

22 A. Yes.

23 Q. You saw people performing music on the street.

24 A. Yes.

25 Q. You had your portraits drawn?

Ms. Stenzel - Cross - Ms. Cesare

1 A. Yes.

2 Q. And you went on a sunset cruise on the Circle Line.

3 A. Yes.

4 Q. You went on a cruise all around the island of
5 Manhattan. So I'm going to -- and the pictures you took
6 that day, you provided to the prosecutors, right?

7 A. Yes.

8 MS. CESARE: Now, I'm going to move in now into
9 evidence what's premarked as Defense Exhibits P-38
10 through P-47.

11 MS. STONE: Your Honor, I'm going to object to
12 the relevance of some of these photos. They aren't even
13 photos of this particular witness.

14 THE CLERK: Counsel, you need to turn the
15 microphone back.

16 MS. STONE: Oh, that's right. We're going to
17 object to the introduction of all of these photos. Some
18 of them aren't even of this particular witness.

19 THE COURT: Let me see them.

20 (Pause.)

21 THE COURT: Is the other person going to
22 testify?

23 MS. CESARE: Yes.

24 THE COURT: They can come in then.

25 MS. STONE: Judge, can we approach, please,

Ms. Stenzel - Cross - Ms. Cesare

1 Your Honor?

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Ms. Stenzel - Cross - Ms. Cesare

1 (Conference held at side-bar.)

2 MS. CESARE: This just goes -- this P -- are we
3 on the record?

4 THE COURT: Yes.

5 MS. CESARE: Okay. P-45 is just to give some
6 perspective to P-44. It's a -- it shows the context of
7 P-44. Your Honor, every single picture that I'd like to
8 introduce is a photograph that was either taken by Ms.
9 Vanessa Stenzel or has Ms. Vanessa Stenzel posing in it.
10 All these pictures were taken with her own camera while
11 she was on a trip with Mr. Yannai and Gisele and other
12 witnesses in the case.

13 It shows a lot of happy loving behavior. It
14 shows people willingly kissing each other. It shows --
15 it's evidence that there was no environment of fear and
16 coercion. It's -- timing is significant, it's a few days
17 after the incident which the government is going to
18 allege is a forceful sexual encounter in Michigan, and
19 it's before the other events that the government is going
20 to allege were forceful sexual encounters.

21 MR. SPECTOR: There are two issues. The issue
22 as to photos of Gisele, we haven't made a final decision
23 about whether you are calling her as a witness. If we do
24 call her as a witness, the defense can offer them in at
25 that time. If we don't, they're not relevant.

1 Ms. Stenzel - Cross - Ms. Cesare

2 As to the remaining photos, they are clearly
3 duplicative of minutes and minutes of video that we've
4 already heard.

5 THE COURT: Yeah, that's ongoing.

6 MS. CESARE: Gisele's part of the story,
7 whether or not she testifies is immaterial. Gisele is a
8 -- was with Vanessa. Gisele -- Vanessa --

9 MS. STONE: But this witness can't testify to
10 Gisele's state of mind.

11 MS. CESARE: No. But the pictures are evidence
12 of the nature of the relationship.

13 MS. STONE: Between whom, though? Between --

14 MR. SPECTOR: The people in the picture.

15 MS. STONE: Well, except for one photo.

16 MR. SPECTOR: If we're not calling Gisele then
17 we're not going to rely on any assault or crime committed
18 against Gisele, so there's no reason to bring these
19 pictures in.

20 MS. STONE: Okay.

21 MR. SPECTOR: If we do call Gisele, they can
22 put them in. We won't object to them coming in at that
23 time.

24 THE COURT: So the ones you want out are 47 --
25 so the ones you want out are 47, 42 and 38?

MS. STONE: Correct, Your Honor.

Ms. Stenzel - Cross - Ms. Cesare

1 MR. SPECTOR: Correct, yes.

2 MS. CESARE: Your Honor, we'd like to put them
3 in. We think they are plainly relevant to what was going
4 on that day, and Ms. Stenzel's state of mind --

5 THE COURT: No, I don't know what was going on
6 that day that's relevant, but yeah, they're relevant to
7 what was going on that day, but first of all, it's not
8 clear to me what they add for these pictures.

9 MS. CESARE: The defendant is accused of
10 holding Vanessa Stenzel in a state of forced labor and
11 forced servitude on the day that these pictures were
12 taken. And he's accused of holding Gisele in a state of
13 forced labor and forced servitude on the day these
14 pictures were taken. These pictures are very important
15 to show --

16 THE COURT: They don't --

17 MS. CESARE: -- to under -- to --

18 THE COURT: They don't show that those events
19 didn't occur.

20 MS. CESARE: It contradicts their theory that
21 this was an environment of coercion. It goes directly --
22 it confronts that directly.

23 MS. STONE: It's actually --

24 MS. CESARE: This witness has not honestly
25 accounted for the relationship she observed with Gisele

Ms. Stenzel - Cross - Ms. Cesare

1 and Joseph Yannai. These photographs will confront her
2 with the relationship that she --

3 THE COURT: What was that? What was --

4 MS. CESARE: That Joseph --

5 THE COURT: What was the --

6 MS. CESARE: Joseph Yannai --

7 THE COURT: What was this about --

8 MS. CESARE: -- and Gisele --

9 THE COURT: -- testimony with respect to this
10 woman --

11 MS. CESARE: She said she didn't know if they
12 were having a consensual intimate relationship and P-38
13 is a photograph of Joseph Yannai and Gisele sitting in a
14 horse and carriage in Central Park, he's hugging her
15 tightly, he's kissing her on the face. She is smiling,
16 genuinely very happy. It shows an intimate relationship.

17 THE COURT: And what does this show?

18 MS. CESARE: This shows Gisele Lunkes having
19 her portrait drawn in Central Park. It shows her having
20 a prolonged contact with a person outside of the Yannai
21 home, and opportunities to speak to other people and
22 opportunity to tell someone that she didn't want to go
23 anywhere with Joseph, an opportunity to tell someone
24 that, you know, that she was there against her will if
25 that's the -- you know.

Ms. Stenzel - Cross - Ms. Cesare

1 THE COURT: Well, that's already -- she was
2 going to tell the guy who was drawing her portrait that
3 she was there against her will?

4 MS. CESARE: She could have, she could have, if
5 she was really there against her will. Your Honor, P-38
6 is significant. It goes along with P-39, because --

7 THE COURT: I'm letting in P-38.

8 MS. CESARE: All right. Well, I don't see what
9 the harm is in putting the other three pictures.

10 THE COURT: Look --

11 MS. CESARE: All right. Thank you

12 (Conference concludes at sidebar.)

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Ms. Stenzel - Cross - Ms. Cesare

1 MS. CESARE: So, I'm moving into Defendant's
2 photo Exhibits P-38, P-39, P-40, P-43, P-44, P-45 and P-
3 46.

4 (Defendant's Exhibits P-38 through 40, 43-46 received in
5 evidence.)

6 Q. All right. I'm going to show you --

7 MS. CESARE: Publishing P-38 to the witness.

8 Q. All right. I realize on the projector, there's some
9 light flashing on it, but can you see that image? Do you
10 recognize that picture? That's a photograph that you
11 took, right?

12 A. Yes.

13 Q. And that's a photograph of Joseph Yannai hugging and
14 kissing Gisele Lunkes?

15 A. Yes.

16 Q. She's smiling broadly in the picture?

17 A. Yes.

18 Q. She was happy at that time.

19 A. I think so.

20 Q. Yeah, you thought so then, didn't you?

21 A. Yes.

22 Q. And P-39 is a photograph of you and Gisele in the
23 same horse and carriage, right?

24 A. Yes.

25 Q. And this is a photograph Joseph took of the two of

Ms. Stenzel - Cross - Ms. Cesare

1 you.

2 A. Yes.

3 Q. And the both of you are smiling?

4 A. Yes.

5 Q. And she's kissing you on the cheek in this picture.

6 A. Yes.

7 Q. Now, before or after you went to the horse and buggy
8 ride, you and Gisele sat down with some portrait artists
9 and had your portraits done, right?

10 MS. CESARE: Is that published?

11 THE WITNESS: After.

12 MS. CESARE: I just want to make sure that
13 these photographs are being published.

14 THE CLERK: You said published to the witness.

15 MS. CESARE: Oh, excuse me. I request that we
16 publish all of the photograph exhibits to the jury.

17 Q. So I'm showing you again photograph P-38. And this
18 is the photograph of Joseph kissing Gisele on the buggy.

19 A. Yes.

20 MS. CESARE: Can you put that picture up?

21 THE WITNESS: Yes.

22 Q. This picture was taken either right before then or
23 right after that, right?

24 A. Yes.

25 Q. So you swapped seats, so Joseph could take a picture

Ms. Stenzel - Cross - Ms. Cesare

1 of the two of you?

2 A. No, I only gave him my camera.

3 Q. Oh, and Gisele swapped seats?

4 A. Yes.

5 Q. Okay. You're both smiling.

6 A. Yes.

7 Q. You two were very happy that day.

8 A. Yes.

9 Q. You were having fun?

10 A. Yes.

11 Q. And before or after the horse and buggy ride, you had
12 your portraits done, right?

13 A. After.

14 Q. And who paid for this portrait?

15 A. Joseph.

16 Q. Did you keep that picture?

17 A. Yes.

18 Q. Do you still have it?

19 A. I give it my mother.

20 Q. So your mother has it. Does she have it hanging up
21 in her house?

22 A. She has it in her house, yes.

23 Q. That same day, you went -- is this the picture taken
24 at Rockefeller Center? Do you recall where this was
25 taken?

Ms. Stenzel - Cross - Ms. Cesare

1 A. Near, I think, yeah.

2 Q. Near there? And that's you and Gisele smiling
3 together.

4 A. Yes.

5 Q. Did Joseph take this picture of you guys?

6 A. No. A tourist.

7 Q. Now, why didn't you ask Joseph to take the picture?

8 A. I don't know. Maybe he had already walked off and
9 wasn't nearby.

10 Q. Okay. So on this particular day, you, Joseph and
11 Gisele weren't always together.

12 A. Yes. Yes, we were.

13 Q. Okay. But on -- you had to ask a tourist to take
14 this picture of you and Gisele.

15 A. It had been taking a little bit longer, because at
16 first I took a picture only of me, and then I wanted a
17 picture with her, and Joseph wasn't in the near, so I
18 asked some Chinese woman, oh, could you please take a
19 picture of us.

20 Q. Okay. Later that -- you also went down to -- well,
21 you went down to Chinatown, right?

22 A. Yes.

23 Q. And the three of you had dinner inside a Chinese
24 restaurant.

25 A. Yes.

Ms. Stenzel - Cross - Ms. Cesare

1 Q. Was that before you went on the Circle Line tour or
2 after?

3 A. Before.

4 Q. Okay. I'm going to show you what's marked as P-44.
5 And that's a picture of you and Gisele --

6 A. Yes.

7 Q. -- smiling for the camera, right?

8 A. Yes.

9 Q. You're sitting very close to Gisele in this picture.
10 A. Yes.

11 Q. And you're holding her arm across your lap.

12 A. Yes.

13 Q. Were you trying to look flirty in this picture?

14 A. No.

15 Q. Had you been flirting with Gisele when you took this
16 picture?

17 A. No.

18 Q. Now, this picture was taken in a very -- it was a
19 very crowded restaurant, right?

20 A. Yes.

21 Q. Lots of people in the restaurant with you.

22 A. Yes.

23 Q. After that, you went on a cruise of the Circle Line,
24 right?

25 A. Right.

Ms. Stenzel - Cross - Ms. Cesare

1 Q. And here's a picture of you before you got on the
2 boat, right?

3 A. Yes.

4 Q. You took many, many other pictures, right, this is
5 just some of them?

6 Now, there came a time when you were at Joseph's
7 home, and you asked him to get you a vibrator.

8 MS. STONE: Your Honor, I object.

9 THE COURT: Overruled.

10 THE WITNESS: No.

11 Q. You told Joseph that you had had one in Germany,
12 didn't you?

13 A. No.

14 Q. And you told him you would like him to get you one.

15 A. No.

16 Q. Joseph took you on a number of other outings while
17 you stayed in his home, right?

18 A. Yes.

19 Q. You went to at least one polo match, right?

20 A. Yes.

21 Q. Did you go to more than one?

22 A. Only one.

23 Q. And you took pictures that day, right?

24 A. Yes.

25 Q. I'm going to show you --

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Ms. Stenzel - Cross - Ms. Cesare

1 MS. CESARE: -- and move into evidence P-37.

2 MS. STONE: Can we just have a moment? No
3 objection.

4 THE COURT: Admitted.

5 (Defendant's Exhibit P-37 received in evidence.)

6 Q. That's a shot -- one of the pictures you took of the
7 game, right?

8 A. Yes.

9 THE CLERK: Do you want it published?

10 MS. CESARE: Publish, please.

11 Q. Another thing you did while you were staying in
12 Joseph's home is you went to a car show in Pound Ridge,
13 right?

14 A. Right.

15 Q. And you brought your camera that day, right?

16 A. Yes.

17 MS. CESARE: And I'm going to move into
18 evidence Defendant's P-33, P-34, P-35, and P-36.

19 MS. STONE: If we could have just one moment.

20 (Pause)

21 MS. STONE: I'm sorry, was it 33 or 34?

22 MS. CESARE: 33 through 36, four images.

23 MS. STONE: Your Honor, we object to No. 34.

24 THE COURT: Let me see it.

25 MR. SPECTOR: Same basis as the last objection,

Ms. Stenzel - Cross - Ms. Cesare

1 your Honor.

2 THE COURT: Overruled.

3 (Defendant's Exhibits P-33 through 36 received in
4 evidence.)

5 Q. Now, that day at the car show, it was a beautiful,
6 sunny, summer day, right?

7 A. Yes.

8 Q. I'm going to show you --

9 MS. CESARE: -- and please publish P-33.

10 Q. Can you see that on your screen?

11 A. Yes.

12 Q. That's a picture of you, right?

13 A. Yes.

14 Q. And the car show is set up at the local ballfield,
15 right?

16 A. Yes.

17 Q. There were lots of people from town out that day.

18 A. Yes.

19 Q. I'm going to show you P-34, that's a picture of
20 Gisele standing next to an old Cadillac, right?

21 A. Yes.

22 Q. And did you take that picture?

23 A. Yes. Oh, she want this.

24 Q. She asked you to take it?

25 A. She asked me, yes. She liked this car.

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Ms. Stenzel - Cross - Ms. Cesare

1 Q. And why did she like about that car?

2 MR. SPECTOR: Objection.

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Ms. Stenzel - Cross - Ms. Cesare

1 Q. That car is like the cars Joseph Yannai had, right?

2 He had --

3 A. Yeah.

4 Q. Yeah. He had a bunch of old Cadillacs, too, right?

5 A. Right.

6 Q. You also took this picture of P-35, right?

7 A. Right.

8 Q. Did you take that picture because you liked that car?

9 A. There were pictures from many of these cars there.

10 Q. Okay. And you also took a picture of the old time
11 Pound Ridge Fire Department truck.

12 A. Yes.

13 Q. Okay. The fire department was at this event, right?

14 A. I didn't have seen any firemen there.

15 Q. But there were other fire department vehicles at the
16 car show, right?

17 A. Could be, yeah.

18 Q. And were there police vehicles at the car show as
19 well?

20 A. I'm not sure.

21 Q. You also went on car trips to look at the autumn
22 foliage with Joseph.

23 THE INTERPRETER: Do what?

24 Q. Did you also go on car trips to look at autumn colors
25 and foliage?

Ms. Stenzel - Cross - Ms. Cesare

1 A. Yes.

2 Q. And because while you were -- you stayed during the
3 peak of autumn colors, right?

4 A. Yes.

5 Q. Had you ever seen it -- do they have autumn foliage
6 like that in Germany?

7 A. Not so as here in the USA it is.

8 Q. It's more colorful here.

9 A. Yeah.

10 Q. Much more beautiful.

11 A. Yeah.

12 Q. You went out to dinner with Joseph, his wife, and
13 Gisele on many occasions, right?

14 A. Right.

15 Q. You frequently went -- left the home with him on
16 errands?

17 A. Yes.

18 Q. And likewise, Gisele often went and ran errands with
19 him.

20 A. Yes.

21 Q. And you were home alone when -- and you would be left
22 home alone when Gisele and Joseph went on errands.

23 A. Yes.

24 Q. Okay. During the time you stayed in Joseph's house,
25 did Joseph and Gisele ever go on any trips without you?

Ms. Stenzel - Cross - Ms. Cesare

1 A. No. Because she didn't have any passport.

2 Q. Trips in the United States?

3 A. Yeah, only New York.

4 Q. He took -- did he take her to New York and leave you
5 at the house?

6 A. No.

7 Q. When you went to Michigan with Joseph, Gisele stayed
8 behind, right?

9 A. Yes.

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Ms. Stenzel - Cross - Ms. Cesare

1 Q. And she was home alone while the wife was at work on
2 that trip?

3 MS. STONE: Your Honor, objection.

4 Q. As far as you know.

5 THE COURT: Well --

6 MS. STONE: It's calling for the witness'
7 knowledge about someone else.

8 THE COURT: All right. She doesn't know who
9 was in the house when she was away. She doesn't know of
10 her own personal knowledge. You've established that
11 Gisele did not go with her.

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Ms. Stenzel - Cross - Ms. Cesare

1 Q. You also were interested in, you know, getting
2 exercise on a regular basis while you stayed at Joseph's
3 house.

4 A. Gisele did this before also and she said that she
5 usually go for a walk and then, of course, she asked me,
6 and then we did this together mostly, yeah.

7 Q. Are you talking about running?

8 A. Jogging.

9 Q. So Gisele liked to go jogging everyday?

10 A. Not everyday, but she likes it, yeah.

11 Q. And you would go jogging with her?

12 A. Yes.

13 Q. And sometimes you went over to the park near Joseph's
14 house?

15 A. Yes.

16 Q. And in that park, there were picnic tables and
17 chairs?

18 A. Yes.

19 Q. And there were lots of public places, right? Places
20 for the public to use?

21 A. Yes.

22 Q. There were also trails in the woods?

23 A. Yes.

24 Q. Did you sometimes go for hikes in the woods?

25 A. Yes.

Ms. Stenzel - Cross - Ms. Cesare

1 Q. And you also went, just went for walks around the
2 neighborhood, right?

3 A. Yes.

4 Q. I'm going to show you what's marked as --

5 MS. CESARE: Oh, I'd like to move into evidence
6 now what has been marked as P-31 and P-32.

7 MS. STONE: Your Honor, the same objection to
8 31.

9 THE COURT: Can I see it?

10 MS. CESARE: Sure. We gave you a list of all
11 -- we gave you a binder of all exhibits. All right.

12 THE COURT: Overruled.

13 (Defendant's Exhibits P-31 and 32 received in evidence.)

14 MS. CESARE: Publishing to the jury, please.

15 Q. All right. P-31 is a picture of you and Gisele in
16 the park near the Yannai house, right?

17 A. Right.

18 Q. That looks like maybe a day that Gisele had been
19 jogging.

20 A. Yes.

21 Q. Do you remember who took this picture?

22 A. We took it on a table and make a self -- how do you
23 call this?

24 Q. Did you have a timer on your camera?

25 A. Yes. Yeah.

Ms. Stenzel - Cross - Ms. Cesare

1 Q. Okay. And P-32 is a picture of you the same day,
2 right?

3 A. Right.

4 Q. And that's a picture Gisele took of you, right?

5 A. Yes.

6 Q. You called home just about every week, right?

7 A. Usually, yeah. Yes.

8 Q. Okay. And when you spoke to your family, you told
9 them that you were enjoying yourself.

10 A. Yeah. I told them where we are going, what I do
11 there for work, or I wrote with them e-mail.

12 Q. Okay. And you never once told your family that you
13 wanted to come home.

14 A. No.

15 MS. CESARE: I'd like to queue up the last
16 minute or so what's in evidence as video 715-C, and then
17 videos -- and then --

18 THE COURT: Well, why don't we do it one at a
19 time.

20 MS. CESARE: All right.

21 Q. Ms. Stenzel, we're going to play for you now the
22 second half of the video that's marked as Government
23 Exhibit 715-C.

24 (Playback of video.)

25 MS. CESARE: Audio? Can we figure out how to

Ms. Stenzel - Cross - Ms. Cesare

1 get audio?

2 (Playback of video.)

3 MS. CESARE: We're going to pause the video for
4 a minute. Can you figure out how to get the audio.

5 (Pause.)

6 (Playback of video.)

7 Q. Is that -- the giggling woman on the video is Gisele,
8 right?

9 A. Right.

10 Q. That's Gisele Lunkes, correct?

11 A. Yes.

12 Q. And the man sitting in his robe in the video is
13 Joseph Yannai, right?

14 A. Right.

15 MS. CESARE: Okay. Can you play.

16 (Playback of video.)

17 Q. Now, right after this video, you walked outside and
18 made another video in the back of the house, right?

19 A. Right.

20 Q. Just a few moments later, right?

21 A. Right.

22 Q. And the next video is only about a minute or two,
23 right?

24 A. Right.

25 MS. CESARE: So we're going to move into

Ms. Stenzel - Cross - Ms. Cesare
1 evidence, your Honor, Defense Exhibit Video-4.

2 MS. STONE: Your Honor, I believe it's in
3 evidence.

4 MS. CESARE: Is it?

5 MS. STONE: We have no objection.

6 THE COURT: All right.

7 MS. CESARE: We'll play it now.

8 THE COURT: Admitted if isn't already.

9 (Defendant's Exhibit Video-4 received in evidence.)

10 (Playback of video.)

11 Q. Now, if you look carefully in this video, you can see
12 Joseph sitting there working at the desk inside, right?

13 A. Right.

14 MS. CESARE: Can you continue?

15 (Playback of video.)

16 MS. CESARE: Thank you.

17 Q. You made that video to send to your friends and
18 family.

19 A. Yes.

20 Q. Did you e-mail it to them?

21 A. No, this was the last day. This was the day when I
22 fly back, when I took these videos.

23 Q. What about the videos you took earlier in your trip,
24 the video that's marked as -- the videos marked as 715-A
25 and 715-B, did you e-mail those videos to your family?

Ms. Stenzel - Cross - Ms. Cesare

1 A. I sent them the pictures from the house.

2 Q. You e-mailed them pictures of the house?

3 A. Yes.

4 Q. Did you e-mail them pictures of --

5 A. Yes.

6 Q. Did you e-mail them pictures from the New York City
7 trip?

8 A. No.

9 Q. Did you e-mail them any pictures of Joseph?

10 A. I don't remember.

11 Q. Now, when you stayed in Joseph's house, he was in his
12 mid-sixties, right?

13 A. Yes.

14 Q. That was three years ago, so he was about 64 years
15 old when you were at his house, right?

16 A. Yes.

17 Q. Joseph is a heavy smoker.

18 A. Yes.

19 Q. He smokes all day long.

20 A. Yes.

21 Q. Did he cough a lot?

22 A. Yes.

23 Q. He did not -- he did no kind of exercise at all,
24 correct?

25 A. No.

Ms. Stenzel - Cross - Ms. Cesare

1 Q. He didn't go jogging or anything?

2 A. No.

3 Q. He didn't lift weights?

4 A. No.

5 Q. You never saw him run anywhere?

6 A. No, only when the dog maybe something wanted to run
7 or so, but not --

8 Q. Okay.

9 A. -- really.

10 Q. And you never saw him do any heavy lifting? You
11 never saw him lift anything heavy.

12 A. No.

13 Q. He was overweight. He had a big tummy.

14 A. Little bit weight, yeah.

15 Q. And he wore special shoes, right?

16 A. Yeah, slip-ons.

17 Q. And when he went out into the street, he wore what
18 are called orthotic shoes, right?

19 A. I don't know.

20 Q. And he -- when he walked, he walked with a stoop.

21 A. Yes. He always walks in a slightly bent forward
22 position.

23 Q. And he generally spent most of his time sitting down
24 smoking cigarettes, right?

25 A. Yes.

Ms. Stenzel - Cross - Ms. Cesare

1 Q. Now, Gisele, as you -- is, was a basically happy
2 person while you were with her.

3 MS. STONE: Objection.

4 Q. You observed her to be happy.

5 MS. STONE: Objection.

6 THE COURT: Sustained, sustained. Let's go.

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Ms. Stenzel - Cross - Ms. Cesare

1 Q. During the three months you were at Joseph's house,
2 another young woman came to work as a personal assistant,
3 other than yourself and Gisele, right?

4 A. Right.

5 Q. Her name was Emma?

6 A. I think so.

7 Q. And she stayed about three days.

8 A. Yes.

9 Q. And when she left, Joseph took her to the airport,
10 right?

11 A. Right.

12 Q. And did you tell her anything about your experience
13 in Joseph's house?

14 A. No.

15 Q. Did you tell her that you wanted to leave?

16 A. No, I didn't really spoke with her, so.

17 Q. Did you warn her about anything?

18 A. Why? Joseph didn't want her to stay any longer at
19 home.

20 Q. Okay. So you didn't tell her anything about your
21 experience in the house?

22 A. No.

23 THE COURT: Someone needs to use the bathroom,
24 so whoever needs to use the bathroom, we'll take a short
25 break.

Ms. Stenzel - Cross - Ms. Cesare

1 MS. CESARE: Thank you.

2 (Court recessed.)

3 (Court reconvened.)

4 THE CLERK: All rise.

5 (Jury enters the courtroom.)

6 Please be seated.

7 BY MS. CESARE:

8 Q. Ms. Stenzel, a few more questions about the last two
9 videotapes we watched. All right?

10 A. Yes.

11 Q. You said you made those videotapes for your friends
12 and family back home, right?

13 A. And for me, yes.

14 Q. And your friends and family are people who live in
15 Germany?

16 A. Yes.

17 Q. German speakers?

18 A. Yes.

19 Q. You spoke in English on both of those last two
20 videos.

21 A. Yeah. Yes.

22 Q. Why did you speak in English for an audience who's
23 German speaking?

24 A. I had been living there for since three months and
25 yeah. It came --

Ms. Stenzel - Cross - Ms. Cesare

1 Q. Did you forget how to speak German?

2 A. No.

3 Q. You really made those videos for other people, didn't
4 you?

5 A. No.

6 Q. Did you make the video for Joseph?

7 A. No.

8 Q. Did you make the video for someone who speaks
9 English?

10 A. No.

11 Q. Do your parents speak English?

12 A. A little bit.

13 Q. Not much. Can they read and write in English?

14 A. Yes.

15 Q. Are they fluent in English?

16 A. No.

17 Q. They'd understand German better than English, right?

18 A. Of course.

19 Q. A few weeks before you left to go home, you told
20 Joseph that you were going to go home on your return
21 ticket, right?

22 A. Yes.

23 Q. And that's the first time you told Joseph that you
24 wanted to go home, right?

25 A. I'm not sure.

Ms. Stenzel - Cross - Ms. Cesare

1 Q. Okay. When you told him that you wanted to go home,
2 he didn't do anything to stop you, did he?

3 A. No.

4 Q. He said all right. He said to you that's all right,
5 right?

6 A. Yes.

7 Q. And he drove you to the airport.

8 A. Yes.

9 Q. And he did nothing to stop you from going home; is
10 that right?

11 A. Right.

12 Q. And you went home when you told him you wanted go
13 home; is that right?

14 A. Yeah. I told him two weeks before or so that this is
15 not the same I want and that I feel happier in Germany
16 and that I wanted to fly back home.

17 Q. Okay. And after you told him you were ready to go
18 home, he did not pressure you in any way to have any
19 intimate contact, right?

20 A. Yes.

21 Q. So when you told him this is not what I want, he
22 stopped.

23 A. Yes.

24 Q. Now, on direct you talked about an incident where you
25 sat on Joseph's lap and he touched your breast; do you

Ms. Stenzel - Cross - Ms. Cesare

1 recall that?

2 A. Yes.

3 Q. And you said that you never tried to push him away;
4 is that correct?

5 A. Yes.

6 Q. And you talked about an incident where you had oral
7 sex with Joseph in his bed. Do you recall talking about
8 that?

9 A. Yes.

10 Q. And you said that you never tried to push him away --

11 A. Yes.

12 Q. -- during that incident, right? And the same with
13 the incident at the Omni Hotel, right?

14 A. Yes.

15 Q. You never tried to push him away at the Omni Hotel
16 either.

17 A. No.

18 Q. So during the time you spent at Joseph's house, it
19 would be fair to say that he never used any actual
20 physical force against you.

21 A. Yes.

22 Q. No force at all, right?

23 A. Yes.

24 Q. He never threatened to use force against you either;
25 isn't that correct?

Ms. Stenzel - Cross - Ms. Cesare

1 A. Yes. No, he didn't.

2 Q. No threats of force. Did he ever say something would
3 -- that something terrible would happen to you if you
4 didn't have intimate relationship?

5 A. I wouldn't be a part of his family anymore.

6 Q. Okay. And he certainly never threatened to call
7 Immigration on you.

8 A. No.

9 Q. Okay. Basically -- well, it's embarrassing to talk
10 about what happened when you were in Joseph's house,
11 right?

12 A. Yes.

13 Q. And it would be fair to say that you gave in to what
14 happened in his house.

15 A. Yes.

16 Q. You let it happen.

17 A. Yes.

18 Q. And Joseph never forced you to do anything.

19 A. Yes.

20 MS. CESARE: I'm going to move into evidence
21 P-9 and move to publish it to the jury.

22 MR. SPECTOR: Just have a moment, Your Honor.
23 No objection.

24 THE COURT: It's admitted.

25 (Defendant's Exhibit No. P-9 received in evidence.)

Ms. Stenzel - Cross - Ms. Cesare

1 Q. One last thing, Ms. Stenzel.

2 A. Yes. Now I can see.

3 Q. All right. That's a picture of the yard in front of
4 Joseph's house, right?

5 A. Yes.

6 Q. And you can see in this photograph two driveways, a
7 driveway on the left and a driveway on the right.

8 A. Yes.

9 Q. And one driveway is for Joseph's house, correct?

10 A. Yes.

11 Q. And one driveway is for the neighbor's house.

12 A. No. Both were for Joseph's house.

13 Q. He had two driveways?

14 A. Yeah.

15 Q. But from this perspective in the picture, Joseph had
16 a next-door neighbor directly to the right, correct?

17 A. Yes.

18 Q. And he had a neighbor directly across the street,
19 right?

20 A. Yes.

21 MS. CESARE: No further questions.

22 MS. JAGER: Can I have just one moment, Your
23 Honor?

24 THE COURT: Uh-huh.

25 (Pause.)

Ms. Stenzel - Redirect - Ms. Stone

1 REDIRECT EXAMINATION

2 BY MS. STONE:

3 Q. Vanessa --

4 A. Yes.

5 Q. -- while you were living with the defendant, did you
6 feel any pressure to do what the defendant asked of you?

7 A. Yes.

8 Q. And did you feel any coercion to do what he wanted
9 you to do?

10 MS. CESARE: Objection.

11 THE COURT: Overruled.

12 THE WITNESS: It had to be in part of the job.

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Ms. Stenzel - Redirect - Ms. Stone

1 Q. And did you feel any psychological effects from what
2 the defendant was asking of you?

3 MS. CESARE: Objection.

4 THE COURT: Sustained.

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Ms. Stenzel - Redirect - Ms. Stone

1 Q. Did you experience any psychological harm while
2 living with the defendant?

3 MS. CESARE: Objection.

4 THE COURT: Overruled.

5 A. You mean at the end of this whole period?

6 Q. Yes.

7 A. I think so.

8 Q. Now, Vanessa, the first night in the house when the
9 defendant sat on the couch and talked to you about the
10 relationship, did you think that you were agreeing that
11 for the next year you were going to have a sexual
12 relationship with him?

13 A. No.

14 Q. And when you received the e-mails from Joanna telling
15 you about the job as a personal assistant, did she ever
16 say to you that part of the job was going to be sexual?

17 A. I never understood that to be implied.

18 Q. And did the defendant ever tell you before you came
19 to the United States that he expected you to have a
20 sexual relationship with him as his personal assistant?

21 A. No.

22 Q. Now, Vanessa, when you met with the Government, were
23 you asked to look for your e-mails that you had exchanged
24 with Joanna and the defendant?

25 A. I told them that I had these e-mails still in my post

Ms. Stenzel - Redirect - Ms. Stone

1 box, and then they asked if I could send them to them.

2 And then I sent them.

3 Q. So do you know of any e-mail that you didn't send?

4 A. No. I did click all on and send them all.

5 Q. Now, when you accepted the job with the defendant did
6 you know he was married?

7 A. Yes.

8 Q. And did you think you were coming to join him and his
9 wife to be a part of their family as one of his
10 assistants?

11 A. Yes.

12 Q. Were you coming to work and join in the family
13 activities?

14 A. Yes.

15 Q. Now, Vanessa, in the three months that you spent
16 there, you took a trip to New York City, right?

17 A. Right.

18 Q. A trip to an auto show.

19 A. Right.

20 Q. And a trip to a polo match.

21 A. Right.

22 Q. And for most of the other days of those three months,
23 were you working in the defendant's house?

24 A. From Monday to Friday, yes.

25 Q. And before you came had you had dreams about seeing

Ms. Stenzel - Redirect - Ms. Stone

1 New York and America?

2 A. A little bit, of course.

3 Q. Did you want to see New York City?

4 A. Yeah. He arranged it.

5 Q. Was that something you were happy to do, to see New
6 York City?

7 A. Of course.

8 Q. Vanessa, while you lived with the defendant did he
9 ever get you a green card?

10 A. No.

11 Q. Did you meet with any of his attorneys to get
12 assistance with getting a green card?

13 A. No.

14 Q. Did the defendant have business meetings at the house
15 with other people besides you and Gisele?

16 A. No.

17 Q. Now, you also talked about when this other woman,
18 Emma, left. Did the defendant speak to you about the
19 reason that Emma was leaving?

20 MS. CESARE: Objection.

21 THE COURT: On what ground?

22 MS. CESARE: Relevance.

23 THE COURT: Overruled.

24 Q. Did the defendant speak to you about the reasons Emma
25 was --

Ms. Stenzel - Redirect - Ms. Stone

1 A. Yes.

2 Q. -- leaving? And did Emma ever tell you why she was
3 leaving?

4 A. No.

5 Q. And when you decided to leave the defendant's house
6 and return to Germany, did you have any worries or
7 concerns about revealing to him that you wanted to go?

8 A. Yes.

9 Q. Why were you worried?

10 A. On his reaction.

11 Q. And before you left, did the defendant ever pay you
12 for the three months of work in his house?

13 A. No.

14 Q. And, Vanessa, have you ever met Anne Simonsen?

15 A. No.

16 Q. Have you ever met Laura Ramirez?

17 A. No.

18 Q. Have you ever met Nathalie Yagoub?

19 A. No.

20 Q. Have you ever met Bernadette Herczeg?

21 A. No.

22 Q. Have you ever met Andrea Kramer?

23 A. No.

24 MS. STONE: I have no further questions.

25 RECROSS EXAMINATION

Proceedings

1 BY MS. CESARE:

2 Q. When you came to Joseph's house, you understood that
3 your agreement was that you would only get paid if you
4 stayed a whole year, right?

5 A. Yes.

6 Q. You knew you weren't going to get a salary.

7 A. Yes.

8 Q. And --

9 A. This would have been the living-out option.

10 Q. Right. And you declined the living-out option.

11 A. Therefore I had to take an apartment and only come to
12 the work, and I wouldn't have been a part of the family.

13 Q. Okay. And you knew that if you left before a year
14 you would not get the bonus.

15 A. Yes.

16 MS. CESARE: No further questions.

17 MS. STONE: None, your Honor.

18 THE COURT: Thank you. You can step down.

19 (Witness excused.)

20 THE COURT: Next witness.

21 MR. SPECTOR: Government calls Nathalie Yagoub.

22 THE COURT: Would you raise your right hand?

23 **N A T H A L I E Y A G O U B**

24 **having been first duly sworn, was examined and**
25 **testified as follows:**

Proceedings

1 THE COURT: Do you speak any English? You can
2 put your hand down. Do you speak any English?

3 THE WITNESS: Yes, I do.

4 THE COURT: Well, we have the interpreter here
5 to help you. I would like you to try and see if you
6 understand the questions and if you can answer. But if
7 you need any help at all, just ask the interpreter if
8 there's something you don't understand or there's
9 something you feel you can't express in English. And
10 we'll see how it works because otherwise everything has
11 to be repeated twice. You understand? She's going to
12 say it in English. The interpreter is going to say it in
13 German. Then you'll say it in German, and the
14 interpreter is going to say it in English.

15 This way we cut out some of the steps. But I
16 only want to do it if you feel comfortable. So let's
17 start. And if you don't feel comfortable, we'll go back
18 the other way. Okay?

19 THE WITNESS: Can I say something?

20 THE COURT: Sure.

21 THE WITNESS: Is it okay if we start with short
22 answers, I answer it in English and if it's longer --

23 THE COURT: Yes. Whatever you're comfortable
24 with.

25 THE WITNESS: Okay.

Ms. Yagoub - Direct - Mr. Spector

1 THE COURT: Whatever you feel comfortable.

2 THE WITNESS: Okay.

3 THE COURT: If you feel you want to answer
4 through the interpreter, you can answer through the
5 interpreter. And sometimes people understand better than
6 they can speak, so you may understand the question
7 perfectly and you just may want to -- be easier for you
8 to answer it in German. So whatever -- but if you don't
9 understand the question and you want the interpreter to
10 repeat it, we'll do it that way. Okay?

11 THE WITNESS: Okay.

12 MR. SPECTOR: May I proceed, Your Honor?

13 DIRECT EXAMINATION

14 BY MR. SPECTOR:

15 Q. Ms. Yagoub, what country are you from?

16 A. From Austria.

17 THE COURT: Would you push the microphone up?

18 THE WITNESS: Austria.

19 Q. And what country do you live in now?

20 A. In Germany.

21 Q. What's your first language?

22 A. It's German.

23 Q. And are you able to read and speak English?

24 A. Yes.

25 Q. Are you more comfortable to testify in English or in

Ms. Yagoub - Direct - Mr. Spector

1 German?

2 A. In German.

3 Q. Are you currently in school?

4 A. Yes.

5 Q. What are you studying?

6 A. Theater, movie and media sciences.

7 Q. Who paid for your travel expenses to come to the U.S.
8 to testify at this trial?

9 A. The U.S. Government.

10 Q. And before today did you meet with the Government to
11 prepare for your testimony?

12 A. Yes.

13 Q. Before this trip did you previously travel to the
14 United States to meet with the Government for this case?

15 A. Yes.

16 Q. Do you remember approximately when that was?

17 A. In April.

18 Q. Of this year?

19 A. Yes.

20 Q. Who paid for your travel expenses for that trip?

21 A. U.S. Government.

22 Q. Do you know someone named Joseph Yannai?

23 A. Yes.

24 Q. How do you know him?

25 A. From the year 2006 when I was invited to -- for -- I

Ms. Yagoub - Direct - Mr. Spector

1 got a work offer as a personal assistant.

2 Q. Do you see Mr. Yannai in the courtroom today?

3 A. Yes.

4 Q. Can you please identify him by an article of clothing
5 he's wearing?

6 A. He's wearing a gray jacket and a white blouse and
7 black trousers.

8 MR. SPECTOR: Let the record reflect the
9 witness has identified the defendant.

10 THE COURT: Yes. You can sit down.

11 Q. Approximately how long did you work for Mr. Yannai?

12 A. About a month.

13 Q. And after you stopped working for the defendant did
14 you return to Austria right away?

15 A. I didn't, no.

16 Q. Where did you go?

17 A. To New York City.

18 Q. And approximately how long did you stay in New York
19 City?

20 A. Two months more until my visa got ended, and then I
21 went back to Austria.

22 Q. Now, when you met with the Government previously did
23 you tell the whole truth about everything that happened
24 in New York after you left the defendant's home?

25 A. Not the whole truth.

Ms. Yagoub - Direct - Mr. Spector

1 Q. What were the things you did not tell the whole truth
2 about?

3 A. Can I say it in German?

4 THE COURT: Yes. I told you, whenever you feel
5 comfortable.

6 THE WITNESS: In the microphone?

7 THE COURT: You can just --

8 THE WITNESS: I concealed physical contacts
9 that I had once with a boy, a young man, who offered me
10 to use his apartment. So this young man one night came
11 home and I was at his bed, so it came to very casual
12 physical contact. But that was the only time.

13 I then later met another young man. His name
14 is Timothy. We worked together. And we fell in love
15 with each other, and we met each other frequently.

16 Q. And why was it that initially you did not tell the
17 Government about these things?

18 A. Well, I had the feeling that what happened after my
19 stay at Mr. Yannai's house was not really important for
20 the case. And I also considered that to be a very
21 personal matter.

22 Q. And about how old were those two young men?

23 A. They were in their late 20s, both of them.

24 Q. Now, while you were in New York after you left the
25 defendant's home did you work?

Ms. Yagoub - Direct - Mr. Spector

1 A. Yes.

2 Q. Where did you work?

3 A. I worked in a restaurant in Manhattan.

4 Q. And when you first met with the Government did you
5 tell the whole truth about why you stopped working there?

6 A. No.

7 Q. Why did you stop working there?

8 A. My boss told me I shouldn't come back because I was
9 late in the morning, and I didn't tell the Government
10 about it because I was embarrassed.

11 Q. Did you eventually tell the Government the whole
12 truth about everything that happened in New York?

13 A. Yes, I did.

14 Q. Okay. And I want to turn your attention back in time
15 to 2006 before you came to work for the defendant. Where
16 were you living at that time?

17 A. In Austria.

18 Q. Who were you living with?

19 A. With my mom, with my brother and with my grandmother,
20 who just moved into our house because she gets sick.

21 Yeah.

22 Q. And what was your family's financial situation at
23 that point?

24 A. Well, the financial situation at that time was not
25 very good because my mother had lost her job and she also

Ms. Yagoub - Direct - Mr. Spector

1 had to look after my father, who was very sick. And then
2 my father died and my grandmother moved in with us. And
3 she was very sick. And my mother invested all the money
4 she had in the bank to renovate the house.

5 Q. Did there come a time you decided to look for a job
6 as an au pair?

7 A. Yes. Yes.

8 Q. Approximately when was that?

9 A. Beginning of the year 2006.

10 Q. And how did you go about looking for a job as an au
11 pair?

12 A. I published my profile on a international website for
13 au pair girls.

14 Q. Now, at that point in time had you ever been to the
15 United States?

16 A. No, never before.

17 Q. Was there any place specifically you wanted to go to
18 work as an au pair?

19 A. I only wanted to go to New York actually.

20 Q. Did there come a point in time you received an e-mail
21 from someone named Daniel Ben?

22 A. Yes.

23 Q. And did you later exchange e-mails with someone named
24 Sylvia?

25 A. Yes.

Ms. Yagoub - Direct - Mr. Spector

1 Q. Did you later exchange e-mails with some -- with the
2 defendant?

3 A. Yes.

4 MR. SPECTOR: May I approach, Your Honor?

5 THE COURT: Yeah.

6 MR. SPECTOR: Showing the witness what's been
7 previously marked for identification as Government's
8 Exhibit 800 through 821.

9 Q. Ms. Yagoub, did you review those documents in
10 preparation for your testimony today? Did you look at
11 them before you testified today?

12 THE COURT: Take your time. Relax.

13 THE WITNESS: It's okay. I'm sorry. I'm so
14 sorry. Yes. I have reviewed the documents.

15 Q. And did you initial the bottom of each page?

16 A. Yes, I did. Yeah.

17 Q. Are those documents the e-mails you exchanged with
18 Daniel Ben, Sylvia and the defendant?

19 A. That's correct.

20 MR. SPECTOR: Government offers 800 to 821.

21 MR. SCHNEIDER: No objection.

22 THE COURT: They're admitted.

23 (Government's Exhibit No. 800 to 821 received in
24 evidence.)

25 Q. Ms. Yagoub, did you save these e-mails in your e-mail

Ms. Yagoub - Direct - Mr. Spector

1 account?

2 A. Yes, I did.

3 Q. And do these e-mails include every e-mail you
4 exchanged with those three persons?

5 A. I'm not quite sure. It could be that some are
6 missing, but I don't think so.

7 Q. Did you forward all the e-mails that you still had to
8 the U.S. Government?

9 A. Yes, I did.

10 MR. SPECTOR: If I can publish Government
11 Exhibit 800.

12 Q. Ms. Yagoub, what's that document?

13 A. It's an e-mail from Daniel Ben.

14 Q. Had you ever had any contact with this person before
15 you received that e-mail?

16 A. No.

17 Q. Had you ever had any contact with the defendant when
18 you got this e-mail?

19 A. No.

20 Q. Can you just read aloud the highlighted portions?

21 A. "I saw your picture on the Internet. Thank you for
22 being so beautiful. Daniel."

23 Q. What did you think when you received that e-mail?

24 A. I didn't think much about it. I thought this guy had
25 found my e-mail address on this au pair website and had

Ms. Yagoub - Direct - Mr. Spector

1 sent me this mail. And I took it as a nice compliment
2 because this was the only website which had pictures of
3 mine.

4 Q. The au pair website was the only website on the
5 Internet that had your pictures?

6 A. Yes.

7 MR. SPECTOR: If I can publish 801.

8 Q. Focusing first on the bottom portion, if you can just
9 read aloud that e-mail.

10 A. "Hey, Daniel, don't understand. From where did you
11 get my e-mail address or are you seeking for an au pair?
12 Please tell me soon. Nathalie."

13 Q. And why did you write that?

14 A. When or why?

15 Q. Why.

16 A. At that point in time, I had been looking for an au
17 pair job for two months. And when I got this e-mail, I
18 thought well, maybe this will lead to something. So I
19 asked him where he got my e-mail address from.

20 Q. And if I can focus you on the top portion, is that
21 the response you received to your e-mail?

22 A. Yes.

23 Q. If you can read the highlighted portion aloud please.

24 A. "Dear Nathalie, no, I am not looking for an au pair.
25 No kids, just a dog. But a friend of mine who was

Ms. Yagoub - Direct - Mr. Spector

1 looking for one, he already found but they are still
2 sending him e-mails with compatible ones forwarded your
3 pictures to me saying look how beautiful this woman is.
4 And he was so very right. Daniel."

5 Q. Now, did you continue to communicate with Daniel Ben?

6 A. I did, yes.

7 Q. Did you ever meet Daniel Ben in person?

8 A. No.

9 Q. Did you ever speak to Daniel Ben on the phone?

10 A. No.

11 Q. Did you ever have any contact with Daniel Ben other
12 than through e-mail?

13 A. No.

14 Q. Did there come a time that Daniel Ben put you in
15 contact with someone named Sylvia?

16 A. Yes.

17 MR. SPECTOR: If I can publish 807.

18 Q. What e-mail address is that from?

19 A. This is from instylecompanies@aol.com.

20 Q. And is that an e-mail you received?

21 A. Yes.

22 Q. Can you read aloud the highlighted portions please?

23 A. "Dear Ms. Yagoub, Joseph asked me to approach you
24 after you showed interest in the position of personal
25 assistant to him. We are looking for personal assistant

Ms. Yagoub - Direct - Mr. Spector

1 who will preferably live with them. You will have your
2 own room and your own bathroom. It is a large house. Be
3 part of the family. Will travel with him and participate
4 in his or their social activities. The personal
5 assistant will assist him with the office chores,
6 research work mainly on the Internet, and all his
7 personal needs."

8 Q. If I can just turn to the bottom of the second page
9 of the e-mail. Who signed it there?

10 A. This is Sylvia DiLorenzo signed.

11 Q. And at that point in time --

12 A. That signed.

13 Q. -- who did you understand Sylvia DiLorenzo to be? At
14 that point in time, who did you understand Sylvia De
15 Lorenzo to be?

16 A. She -- I understood her to be a former assistant of
17 Joseph Yannai.

18 MR. SPECTOR: If I can publish 810.

19 Q. Is this another e-mail you received from Sylvia?

20 A. Yes.

21 Q. And if you can just read aloud the highlighted
22 portion there on the first page.

23 A. "In many aspects, Joseph is very much like the way
24 you described your late father."

25 Q. At this point in time, you'd been exchanging a number

Ms. Yagoub - Direct - Mr. Spector

1 of e-mails with Sylvia?

2 A. A lot, yeah.

3 Q. And had you discussed personal information in those
4 e-mails?

5 A. A lot, yes.

6 Q. Had you told Sylvia about your father's passing away?

7 A. Yes.

8 Q. Had you told her about your family's financial
9 situation?

10 A. Yes.

11 Q. And turn to the second page of that same e-mail.

12 Publish to the jury please. Just for clarity, all the
13 documents I'll be showing you now I'll publish to the
14 jury. If you can read the highlighted portion there
15 please.

16 A. "They live in a beautiful house in Westchester County
17 about an hour away from New York City. A few years ago,
18 Joseph decided to stop going to the office in New York
19 City and work from home. Part of the first floor of
20 their house became an office area. What does Joseph do?
21 His main thing is publishing. They publish books mainly
22 Vanity press books that has to do with the hospitality,
23 hotels and restaurants' industry. For example, the last
24 completed project was the book International Who is Who
25 Chefs. It made it the largest and best cookbook ever

Ms. Yagoub - Direct - Mr. Spector

1 published and a huge success. They sold almost one
2 million copies."

3 Q. And what did you think when you read that?

4 A. Well, I read this and more that convinced me that Mr.
5 Yannai was a very successful and influential businessman.
6 Yeah. Okay.

7 Q. Was that important to you in your decision about
8 whether to come work for him?

9 A. May I add something to my previous --

10 Q. Sure.

11 A. -- answer?

12 And then here, she said that he was dealing in books,
13 writing books and publishing books and especially for the
14 hospitality industry. And that sounded very interesting
15 and also very serious to me.

16 Q. And was the information he gave you in this e-mail,
17 was that important to you in deciding whether to come
18 work for him?

19 A. Yes, of course, also among other aspects.

20 Q. If I can turn to the next page of that e-mail. If
21 you can read the highlighted portions there please.

22 A. "You will be instantly a member of the family. You
23 shouldn't make the mistake of misinterpreting his
24 behavior. If he will hug you when you will say something
25 nice or will do a good job or kiss you good morning or

Ms. Yagoub - Direct - Mr. Spector

1 good evening, before you go to bed, it doesn't mean that
2 it is the first step of making a pass at you. He will
3 never do it.

4 I spent many moments alone with him. We were in many
5 intimate situations especially when traveling, and he
6 never tried to have sex with me. After we became secured
7 in our relationship, I have asked him once half jokingly
8 but I was curious, sorry, if he doesn't find me
9 attractive and why he never tried anything with me. His
10 answer was Sylvia, I love you with all my heart and I
11 never betray people I love. To have sex with you will
12 mean that I hired you on behalf to you as -- and behaved
13 to you as my family in order to have sex with you, and I
14 didn't. I hope I made this point clear."

15 Q. How did you react when you read that?

16 A. After my previous e-mail exchange with Mr. Yannai I
17 -- with Sylvia, excuse me, with Sylvia, I sometimes had
18 the feeling that maybe there was something else cooking,
19 which I wouldn't agree with. But after receiving this
20 e-mail and after a long exchange of e-mails after these
21 first e-mails that I just mentioned, I was reassured and
22 I thought everything was going to be okay. And because
23 Sylvia and I we became sort of close, we became sort of
24 friends with -- through all these e-mails and because she
25 had worked previously as his personal assistant, I really

Ms. Yagoub - Direct - Mr. Spector

1 trusted her when she told me that everything was going to
2 be all right. We had mutual trust in each other.

3 Q. If I can turn to the next page of that e-mail. If
4 you can read the highlighted portions please.

5 A. "There are two options from which you will have to
6 choose before you come, the live-out and to live-in
7 option. In the live-out option -- in the live-out
8 option, yes, you will not live with them but will rent
9 your own apartment or house or room, will show up for
10 work every morning, work from 9:00 to 5:00 or any other
11 hours that you both will agree upon but only eight hours
12 a day, six days a week. You will be paid \$2,000 a month
13 and will be responsible for all your expenses, rent,
14 food, clothing, health, et cetera. But of course, what
15 you will eat while in their home and all your expenses
16 will be paid while you're with him traveling.

17 "The other opinion is live -- I'm sorry, the other
18 option is live-in option. You will live in their home.
19 You will have your own room and privacy, share their
20 food, their, lives will -- their lives, will be invited
21 to go out with them and will when you feel like it, but
22 you will not get paid. After one year of working with
23 him and only if you will work the whole year, you will
24 receive a bonus of \$20,000, which will be net money for
25 you as all your expenses will be paid during the year.

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1 "I would like to make it clear. If for any reason
2 you will not complete the full year, you will not get
3 paid at all. All your expenses, and I mean everything,
4 will be on Joseph from clothing to Tampax, from books and
5 records to health and cosmetics, from hair salon to
6 buying present to your mother and sending it to her on
7 her birthday.

8 "Another advantage of the live-in if after a year you
9 will decide that you wish to go to University, Joseph
10 will pay for it no matter what you choose to study not
11 instead of working but in addition to that. And here it
12 means a lot of money."

13 Q. Now, the last portion you just read about paying for
14 University, how did you react to that?

15 A. This had been an unrealistic dream, unreachable dream
16 for me to study, to go to University in New York back
17 then. Today, that's not the case anymore. Well, but
18 that had been my dream back then, to study in New York.
19 And when I read this e-mail, of course I was very, very
20 excited, very excited.

21 Q. And which of the two options did you choose?

22 A. The live-in option. Sorry.

23 Q. If I can just show the last page of Government
24 Exhibit 13. Can you just read aloud the highlighted
25 portion there please?

Ms. Yagoub - Direct - Mr. Spector

1 A. "No, you will not meet me in the States. I am
2 already in Poland for the last few months. Yours,
3 Sylvia."

4 Q. And where did you understand Sylvia was when she was
5 writing you these e-mails?

6 A. In Poland.

7 Q. Showing 814. Starting at the bottom there, what's
8 the bottom portion here?

9 A. Should I read it?

10 Q. Is that an e-mail that you wrote to Sylvia?

11 A. Yes, I wrote that.

12 Q. Can you read the highlighted part aloud please?

13 A. "Sylvia, do you use ICQ? Would like to talk more
14 with you. If you're not registered, you can go on
15 go.icq.com. Yours, Nathalie."

16 Q. What is ICQ?

17 A. Yeah. On ICQ you can communicate like in privacy.
18 And you also can call. Like I'm not sure if there's a
19 video option but I think yeah.

20 Q. Did you want to see Nathalie through a video or --
21 I'm sorry, Sylvia through video?

22 A. Yes.

23 Q. And is that why you asked about ICQ?

24 A. Yes.

25 Q. And turning to the top portion there, was that

Ms. Yagoub - Direct - Mr. Spector

1 Sylvia's response?

2 A. Yes.

3 Q. If you can just read that aloud.

4 A. "My dear, sorry, I have decided against using all
5 these programs because it either comes when I am at work
6 and them I'm not sure who is on the computer or at home,
7 and then it pops when I am either working or studying."

8 Q. Did you ever see Sylvia face-to-face?

9 A. Never.

10 Q. Ever speak to her on the phone?

11 A. Never.

12 Q. Ever have any contact other than through e-mail?

13 A. Never.

14 Q. Showing 815. Is this an e-mail you received from
15 Sylvia?

16 A. Yes.

17 Q. If you can just read the highlighted portion, please.

18 A. "Dearest Nathalie, yes, Joseph prefer young woman
19 around him, maybe because he's so young though very
20 experienced in his heart, in his activities, in the way
21 he think. Elena is with him since she was 19 or 20. And
22 he 20 years older. Joanna -- I think I told you about
23 her -- met him when she was 16 or 17 for the first time,
24 and now she is with him just because she loves to be with
25 him. I am totally in love with him. Maybe it is because

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1 of the truth in him."

2 Q. And what did you think when you read that Joseph
3 preferred young women around him?

4 A. Well, I was not really worried at all when I read
5 that because there was talk about his wife. So I thought
6 well, he is a man who likes to be with young people and
7 who likes to teach, and it's easier to teach young people
8 because they are not -- they are easier to mold than old
9 people. That's how I interpreted this e-mail.

10 Q. The reference to Sylvia loving him and Joanna being
11 in love with him, what did you understand that meant when
12 you saw this e-mail?

13 A. During most of Sylvia's e-mails, she talked about his
14 wonderful personality and how he could handle things and
15 his experience and how he dealt with people and how well
16 he did his work. So I related this love really more to
17 his characteristics, his character, his personality. And
18 Sylvia frequently said that she loved him, but she always
19 stressed the fact that she didn't love him in a man-woman
20 relationship but she just -- that she admired him.

21 Q. Did there come a time you began e-mailing directly
22 with the defendant?

23 A. Yes.

24 Q. Showing the first page of 817. What e-mail address
25 is that from?

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1 A. This is from publishersplus@aol.com.

2 Q. And who did you understand was sending you that
3 e-mail?

4 A. Joseph.

5 Q. If you can just read aloud the highlighted portions
6 please.

7 A. "It was good talking to you on the phone in spite of
8 the lousy line. As to the visa, as I told you, I don't
9 think you would have had a chance to receive a working
10 visa. They give it now only to those who have skills
11 that they need like agricultural workers, nurses,
12 scientists, et cetera, and they will never give it to a
13 personal assistant or secretary. So you just purchase a
14 round-trip ticket. And when you come to JFK to the
15 Immigration, tell them that you came to visit not
16 business and that you were invited by a family friend of
17 your mother, Elena, who met your mother while traveling
18 in Austria and since then they exchanged e-mails, phone
19 calls and gifts on holidays and became very close. This
20 Elena and her husband, Joseph, invited you to visit them
21 in the States. And because now you are just before
22 starting your courses in the University, it is the right
23 time for you to visit."

24 Q. And continuing on the second page of that e-mail.

25 A. "When they ask you for how long you are coming for,

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1 you should say for about a month. And that is how you
2 have to purchase the ticket for. They might ask you to
3 show the return ticket. My address is Joseph Yannai, 309
4 Salem Road, Pound Ridge, New York 10576."

5 Q. And you can continue on please. Go ahead.

6 A. I continue?

7 Q. Please continue.

8 A. "Now when you arrive, you will be passing first the
9 Immigration then pick up your luggage and then to the
10 custom. Anyone of them can randomly ask you to open your
11 suitcase or your purse for inspection. Don't bring with
12 you any of the e-mails you sent or received from Sylvia
13 or any of those that we'll exchange until next week.
14 They have the right to read them. And if they will read
15 them, they will understand that you came to work here and
16 will send you right back. You have to understand that
17 the fact that you don't get paid for the whole year
18 doesn't mean in their eyes that you are not working. You
19 are not allowed to come and work even if you don't get
20 paid at all."

21 Q. Did there come a time you came to the United States
22 to work for the defendant?

23 A. Yes.

24 Q. Remember approximately when that was?

25 A. It was in March 2006.

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1 Q. And what airport did you arrive in?

2 A. In JFK Airport.

3 Q. Did you have a one-way or round-trip ticket?

4 A. A round-trip ticket.

5 Q. Who paid for the ticket?

6 A. Myself.

7 Q. And how old were you when you came?

8 A. I just turned 21 actually. Yeah.

9 Q. Did you bring any money with you?

10 A. Yes, but almost nothing. It was like 30 or 40 in
11 dollars. Yeah.

12 Q. In U.S. dollars?

13 A. Yeah.

14 Q. When you arrived at JFK did you go through
15 Immigration?

16 A. Yes.

17 Q. And did Immigration authorities ask you questions?

18 A. Yes, but I don't remember them in detail. But yes.

19 Q. What did you plan to tell Immigration authorities
20 when you arrived at JFK?

21 A. I planned to tell them what Joseph told me to say.

22 Q. What was that?

23 THE COURT: Does she have to repeat it?

24 MR. SPECTOR: No.

25 Q. Was that story going to be the truth? What Joseph

Ms. Yagoub - Direct - Mr. Spector

1 told you to say, was that the truth?

2 A. Not at all, no.

3 Q. Why were you planning to lie to Immigration
4 authorities?

5 A. That this would be -- Joseph had explained to me that
6 this was going to be a temporary lie because I was not
7 going to get a work permit right away anyhow and but he
8 was going to take care of it later on.

9 Q. Have you been granted immunity for your testimony
10 today?

11 A. Yes.

12 MR. SPECTOR: If I can show a document to the
13 witness only please?

14 Q. Showing what's been marked as -- actually, I don't
15 know what number that is.

16 MR. SPECTOR: Sorry, Judge.

17 Q. Showing what's been marked as 3500 NY-24. Ms.
18 Yagoub, do you recognize that document?

19 A. I do, yes.

20 Q. What is it? What is it?

21 A. I say it in German. Okay.

22 This letter promises me that none of my -- that my
23 testimony today will not be used against me.

24 Q. Does that letter give you any protection if you lie
25 in court today?

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1 A. Of course not.

2 Q. Do you have a lawyer for this case?

3 A. Yes.

4 Q. Who is he?

5 A. Mr. Farber (ph).

6 Q. And did you review this document with your lawyer?

7 A. Yes.

8 Q. Was there a German interpreter present?

9 A. Yes.

10 Q. In addition to the letter, do you know if there's any
11 other reason that the Government could not prosecute you
12 for lying to Immigration in 2006?

13 A. Because of the statute of limitations, which after
14 five years makes crimes not punishable -- not
15 prosecutable.

16 Q. And when you made those statements to Immigration
17 authorities, was that more than five years ago?

18 A. Yes.

19 Q. Turning your attention back to your arrival at the
20 airport, after you went through Immigration did there
21 come a time you met the defendant?

22 A. Yes.

23 Q. Where did you go after he picked you up? After he
24 met you at the airport where did you go?

25 A. To his home.

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1 Q. And did you meet anyone else at his home that night?

2 A. His wife, Elena.

3 Q. And where did you stay in the house?

4 A. On the ground floor.

5 Q. Did you have your own room?

6 A. Yes.

7 Q. And where did the defendant and his wife sleep?

8 A. On the ground floor too.

9 Q. Was there anyone else staying at the house?

10 A. Joanna. She was there when -- but she was already
11 sleeping because I arrived at night, like I don't know
12 what time but yeah.

13 Q. You eventually met Joanna though as well? There came
14 a time when you met Joanna.

15 A. The next day, yeah.

16 Q. And about how old was Joanna?

17 A. She was 19 or 20.

18 Q. Where was she staying in the house?

19 A. On the first floor.

20 Q. Was that the same floor as you or a different floor?

21 A. Different floor.

22 Q. I want to ask you some questions about the work you
23 did at the defendant's home. Did you do computer work at
24 his house?

25 A. Yes.

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1 Q. Can you just generally describe that, the work you
2 did?

3 A. I did researches for -- I say it in German. I'm
4 sorry. I did research and translation work in regard to
5 hotels in the German -- in German-speaking countries.

6 Q. Where in the house did you do that work?

7 A. In the office area.

8 Q. Was there anyone else who worked with you in that
9 area?

10 A. Yes. It was Joseph's wife, Elena, Joanna, Joseph and
11 me.

12 Q. And what was your work schedule?

13 A. It was from 9:00 to 9:00 but I -- sometimes we worked
14 until 10:00 or 11:00 even.

15 Q. Nine in the morning started --

16 A. Uh-huh.

17 Q. -- until 9:00 or 10:00 at night?

18 A. Uh-huh. Yes. Sorry.

19 Q. Did Elena work on the computer the entire day?

20 A. Not always, whenever she had time because she was
21 also in charge of the cooking in the house and she
22 prepared baths for Joseph. So when she had time, yes,
23 she pitched in.

24 Q. And was the kitchen on the same floor as the
25 computers or a different floor?

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1 A. Different floor.

2 Q. When you first started working at the defendant's
3 home, did he give you any instructions about what to
4 wear?

5 A. Well, he said just because we work in a private home
6 that doesn't mean that we shouldn't look like office
7 people. So he said we should look business-like, meaning
8 wearing skirts and high heels.

9 Q. Were there ever any business meetings in the
10 defendant's home?

11 A. No, never.

12 Q. How did the defendant dress?

13 A. Mostly he was wearing a robe and underwear.

14 Q. Did the defendant later make other rules about what
15 you could or could not wear?

16 A. He told me in particular that I was not supposed to
17 wear any bras.

18 Q. Did he say why?

19 A. Well, he said something like to the effect that
20 because of my body build I didn't need to wear a bra and
21 that it would be too bad if I did anyhow.

22 Q. Did you follow his instructions about that?

23 A. Well, yes, I took my bra off. But then I -- at first
24 I didn't take it off, but then he admonished me and so I
25 did take it off for a day or so. And then I put it back

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1 on. And then one day he yelled at me, and he said go
2 back to your room and take off your bra.

3 Q. Did there come a time that the defendant limited your
4 phone calls?

5 A. Yes.

6 Q. And how long were you allowed to speak on the phone?

7 A. Well, he didn't have precise rules. But during one
8 call, one call was very long and he got very upset. And
9 he said that should never happen again and no telephone
10 calls should last longer than five minutes.

11 Q. And how often were you allowed to make a phone call?

12 A. After I arrived I was allowed to call home to tell
13 everybody that I had arrived safely. And then I tried to
14 call again, and he said no, you can only call once a
15 week. And then after that, he said you can't use the
16 telephone at all anymore.

17 Q. Did you ever try to go to a payphone to call family
18 and friends?

19 A. Several times.

20 Q. Was there a payphone near the house?

21 A. Unfortunately, no.

22 Q. How did you get to the payphone?

23 A. I hitchhiked.

24 Q. How often were you able to do that?

25 A. Maybe once a week.

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1 Q. Did there come a time the defendant prevented you
2 from sending e-mails?

3 A. Yes.

4 Q. Did the defendant ever make you choose between using
5 e-mail and something else?

6 A. Yes.

7 Q. Can you tell us about that please?

8 A. Well, at first I was allowed -- we were -- I was only
9 allowed to use -- to write e-mails after work. But one
10 day he said no, today you cannot send an e-mail. And
11 when I asked him whether I could take a bath he said
12 well, you have to make a choice between taking a bath or
13 sending e-mails, one or the other.

14 Q. Were there any other rules?

15 A. And --

16 Q. Sorry.

17 A. And that continued being that way.

18 Q. Continued with having to choose between bathing or
19 e-mails?

20 A. And then later on, he said if I wanted to write mails
21 or receive mails he first had -- he was going to be the
22 first one to read that.

23 Q. Did you let the defendant read your e-mails?

24 A. No. I received e-mails secretly and printed them out
25 secretly. And I basically stopped sending out any

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1 e-mails.

2 Q. How were you able to keep the e-mails you received a
3 secret?

4 A. Well, we had to print out a lot of -- we had a lot of
5 printouts, results of our research work. And they -- a
6 lot of printouts. And then I smuggled in an e-mail that
7 I printed out and hid it between these other pages and
8 then quickly took it to my room. So I continued doing it
9 that way.

10 Q. Did there come a time when the defendant tried to
11 touch you while you were working on the computer?

12 A. Yes.

13 Q. Can you describe what happened?

14 A. Well, Joseph had his computer next to mine. And when
15 he wanted to get up from his workstation and leave the
16 room, he had to pass behind where I was sitting. And he
17 started to stop right behind my chair, and he started to
18 grope me.

19 Q. Where did he grope you?

20 A. My breast.

21 Q. And what did you do the first time that happened?

22 A. I turned away. I was surprised. And I pushed his
23 hands away from me.

24 Q. And how did the defendant react when you did that?

25 A. Well, he said I should stop being so selfish and that

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1 I should continue with my work.

2 Q. And how often would that happen?

3 A. You mean a day?

4 Q. How often would the defendant touch your breasts or
5 try to touch your breasts while you were at the computer?

6 A. Every day. It just happened all the time.

7 Q. You said at first you tried to push him away. Did
8 you eventually stop resisting over time?

9 A. Yes. But after a while, it became sort of a routine
10 for certain reasons.

11 Q. What were the reasons?

12 A. Well, he kept telling me that I was selfish, self-
13 centered, that it wasn't good for me to resist, that I
14 shouldn't be so stupid. And then at the end, he said if
15 I continue resisting I would -- he would throw me out of
16 the house and I would have to go back to Austria.

17 Q. Did you ever want him to touch you while you were at
18 the computer?

19 A. Never.

20 Q. During all the times when the defendant grabbed your
21 breasts while you were at the computer, was anyone else
22 there downstairs?

23 A. Yes. Joanna was there but she was sort of behind on
24 her computer.

25 Q. Was the defendant's ever -- defendant's wife ever

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1 downstairs when he touched your breasts?

2 A. No.

3 Q. Where would she be?

4 A. Well, either she was at the house but in the kitchen
5 or in the bath or in some other room, or she was out at
6 the hairdresser or something like that.

7 Q. Did there come a time when the defendant took you to
8 a lake?

9 A. Yes.

10 Q. And what if anything did the defendant say about why
11 he was going to take you to the lake?

12 A. He said that things were not going the way they
13 should be going and that he had to have very important
14 talk, conversation with me and just with me alone.

15 Q. And just to be clear, was this the pond at the
16 defendant's property or was this somewhere else?

17 A. No, no. We took the car to get there.

18 Q. And when you arrived at the lake did you get out of
19 the car or stay inside?

20 A. I stayed inside.

21 Q. What about the defendant?

22 A. He too.

23 Q. What's the first thing that happened when you arrived
24 at the lake?

25 A. Well, he say -- he started telling me that the day

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1 before he had had a long talk, a talk of more than one
2 hour, with a good friend of his who is a psychotherapist.
3 And he described all my characteristics, my personality,
4 and they discussed my character for a long time. And
5 they finally came to the conclusion that I was bipolar.

6 Q. Did the defendant explain why this psychologist had
7 reached that conclusion?

8 A. I don't remember exactly, but it was about my methods
9 of working and also certain reactions I had to physical
10 contacts.

11 Q. What were those reactions?

12 A. Yeah. That I was terribly self-centered when it came
13 to physical touching each other, and that was a
14 characteristic of bipolar disorders.

15 Q. And when he said physical touching of each other, who
16 was he referring to you touching?

17 A. Between the two of us.

18 Q. Before that day had you ever thought you had a
19 psychological disorder?

20 A. No.

21 Q. Before that day have you ever been treated by a
22 psychologist or psychiatrist?

23 A. No.

24 Q. How did you feel when the defendant told you you had
25 a psychological disorder?

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1 A. Well, I started to think about it and worry, and I
2 wondered whether there was some truth to the statement.
3 And I started to have more self-doubts than I had
4 already.

5 Q. Did he say anything else about your behavior? Did
6 the defendant say anything else about your behavior in
7 the house?

8 A. You mean in the car or what do you --

9 Q. Well, I'm sorry. Withdrawn.

10 While you were in the car after telling you about the
11 psychologist, did he say anything else about your
12 behavior?

13 A. Well, he said that things were not going as well as
14 they should as he had expected, and that's why he had to
15 set up new rules. And that I had too much resistance and
16 that I -- and that was the reason why the work didn't go
17 the way it should go.

18 Q. And when he was talking about resistance, what did
19 you understand him to mean?

20 A. I thought he was talking mostly about my resistance
21 to his physical approaches.

22 Q. Now, after that conversation did anything else happen
23 while you were at the lake? Can you tell us --

24 A. Yes.

25 Q. Can you tell us about what happened?

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1 A. Well, he kissed me. And when I made clear that I
2 didn't like that, he blamed me again that I was terribly
3 selfish. And he pulled me over to him.

4 Q. And --

5 A. And he put his hand under my pantyhose and pushed his
6 hand into my vagina.

7 Q. And --

8 A. But and so I told him I didn't like that, I didn't
9 want him to do that, but he continued doing it for a
10 certain amount of time. And when I told him again that I
11 didn't want him to do it, he finally stopped. And then
12 we drove back to his house. And obviously, the mood was
13 very tense, and no word was said. No conversation took
14 place.

15 Q. And after you came back to the house what happened?

16 A. I didn't talk. I didn't say anything to him. I went
17 into my room and I closed the door behind me. And he
18 walked -- he came into my room, and he said what we
19 talked about in the car he would like to put down in
20 writing.

21 Q. And was it put down in writing?

22 A. Yes.

23 MR. SPECTOR: If I can show first just to the
24 witness what's been marked for identification as
25 Government Exhibit 822.

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1 Q. Is this -- Exhibit 822, is that the document that was
2 put into writing?

3 A. Yes.

4 Q. Who wrote the document?

5 A. Me.

6 Q. And how did you know what to write?

7 A. Joseph dictated it to me.

8 Q. Did you sign the document?

9 A. Yes.

10 Q. Did the defendant sign the document?

11 A. Yes.

12 MR. SPECTOR: Government offers 822.

13 THE COURT: Any objection?

14 MR. SCHNEIDER: No objection.

15 THE COURT: It's admitted.

16 (Government's Exhibit No. 822 received in evidence.)

17 MR. SPECTOR: May I publish please?

18 Q. Ms. Yagoub, there are two columns here, before car
19 and after car.

20 A. Yes.

21 Q. What did the defendant say that those two columns
22 were?

23 A. Well, this was a set of new rules. Before car were
24 some new rules, and after car was -- oh, and after car
25 comprised also new rules or a confirmation of previous

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1 rules.

2 Q. Was this supposed to be a choice that you were going
3 to make between before car and after car?

4 A. Yes. Joseph left for a business trip, and he told me
5 when he came back I had to tell him which choice I had
6 made.

7 Q. There's a reference here to tickets to Israel. Was
8 that something you wanted?

9 A. Yeah. That was another dream I had, to go to Israel.
10 I'd been thinking about that a lot, not to live there but
11 just to see Israel.

12 Q. Did the defendant know that's something you wanted?

13 A. Yes. I told him.

14 Q. Now, there's a highlighted portion on the right side.
15 If you can just read that aloud please.

16 A. "As number four, plus regarding her personal conduct,
17 whatever Joseph tells her, inclusive of bra and
18 understanding and agreeing that Joseph will try to teach
19 Nathalie how to be a career woman."

20 Q. What did you understand that to mean?

21 A. As to personal conduct, whatever Joseph tells her,
22 inclusive even bra -- as far as the personal conduct is
23 concerned, I understood it to mean that I had to obey his
24 orders, that I had to do on the physical level whatever
25 he asked me to do. And if I didn't agree, then he would

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1 not invest in me in the sense that he would not make a
2 career woman, a professional woman out of me and would
3 not make me his business partner.

4 Q. And the highlighted portion that -- did you
5 understand that -- withdrawn, sorry.

6 When you said doing everything he wanted including on
7 the physical level, did you understand that to mean
8 including sexual acts?

9 A. Yes.

10 Q. If we can just focus on the bottom portion that's
11 highlighted underneath the signature line, can you read
12 that aloud please?

13 A. "Whenever Nathalie disrespects Joseph she will be
14 kicked out, for example, ignoring."

15 Q. This was written shortly after the defendant had told
16 you you had a psychological disorder?

17 A. Yes.

18 Q. And shortly after he had put his fingers in your
19 vagina?

20 A. Yes.

21 Q. Did there come a time that the defendant left on a
22 trip for Turkey?

23 A. Yes.

24 Q. I'm sorry, just to clarify one point, this contract,
25 you said you wrote it. How did you know what to write?

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1 A. He dictated it to me.

2 Q. The defendant dictated it to you?

3 A. Yes.

4 Q. You were saying that the defendant went on a trip to
5 Turkey; is that right?

6 A. Yes.

7 Q. How long did he go for?

8 A. I'm not -- I don't know, three, four days -- three
9 days, four days.

10 Q. Do you remember how long you'd been at the house at
11 that point?

12 A. Maybe two weeks, two and a half weeks.

13 Q. And why didn't you leave when the defendant left for
14 Turkey?

15 A. Because I thought if I chose the before car option,
16 which did not include physical contact, the situation
17 would improve.

18 Q. And that's referring to these two options on the
19 contract?

20 A. Yes.

21 Q. After the defendant returned from Turkey, did you
22 tell him which option you chose?

23 A. Yes.

24 Q. Which option was that?

25 A. That before car.

Ms. Yagoub - Direct - Mr. Spector

1 Q. And that was the option without sexual contact?

2 A. Yes.

3 Q. How did the defendant react?

4 A. Well, he took notice of it. He acknowledged it but
5 in the following days, he acted as if this option had
6 never existed because he continued to do what he had been
7 doing before.

8 Q. And by that do you mean the sexual acts?

9 A. Yes.

10 Q. Now you said that when you started working at the
11 defendant's home, the defendant's wife worked at the
12 computer sometimes with you?

13 A. Yes.

14 Q. Did that change at some point?

15 A. Yes, she started to work at a stock exchange in
16 Connecticut and so she was at home only in the evenings.

17 Q. And what, if anything, changed after Elena started
18 working in Connecticut?

19 A. Joseph started to take naps during the day.

20 Q. Did there come a time when the defendant asked you to
21 come into his bedroom during the naps?

22 A. Yes.

23 Q. How often did he ask you to come into his bedroom?

24 A. At first when Elena stopped -- started to work, he
25 asked me once and then for a few days, he didn't ask me

Ms. Yagoub - Direct - Mr. Spector

1 and then he asked me again. But after a while, it was
2 daily.

3 Q. And when you would come into the defendant's bedroom,
4 would he touch you?

5 A. In the beginning, no, but later, yes.

6 Q. When he first started touching you, where would he
7 touch you?

8 A. Started with my breast.

9 Q. Was that over your shirt or under your shirt?

10 A. At first over and then under.

11 Q. And how did you react?

12 A. I pushed his hands away and told him that I didn't
13 want that. Or I turned away from him till he started
14 calling me again a selfish person.

15 Q. And did that happen one time or over time?

16 A. It happened frequently.

17 Q. Did he ever touch you anywhere other than your
18 breasts?

19 A. Yes, my vagina.

20 Q. Was that over your clothes or inside?

21 A. First over the clothes and later inside.

22 Q. Did you ever want the defendant to touch you on your
23 breasts or vagina?

24 A. No.

25 Q. Was there ever a time when the defendant called you

Ms. Yagoub - Direct - Mr. Spector

1 and Joanna into his bedroom together?

2 A. Yes.

3 Q. Did the defendant ever instruct Joanna and you to do
4 things to each other?

5 A. Yes.

6 Q. What would those be?

7 A. Well, once he kissed my breast and then he pulled me
8 down on the bed and told Joanna to also kiss my breasts.
9 That's how it started.

10 Q. And did you ever touch Joanna's breasts or vagina?

11 A. After she touched me, he told me to touch her. So I
12 did that but I just couldn't continue, so I stopped.

13 Q. Did you ever want to touch Joanna?

14 A. Not really; no.

15 Q. Did you ever want Joanna to touch you?

16 A. No.

17 Q. Whenever the defendant would try to have you engage
18 in a new sexual act or engage in a new sexual act with
19 you, how did you react?

20 A. In the beginning, I didn't go along and I resisted
21 and I just felt a disgust. And later on, I let him do
22 it.

23 Q. When that would happen, what would you be feeling?

24 A. I didn't feel good. I kept thinking about my job, my
25 work and I kept hoping that the situation would change.

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1 And in retrospective if I think back now -- oh, after I
2 left him, after I left him, in retrospective, I had the
3 feeling that I underwent brainwashing. That he had to
4 have total control over me. I've never experienced that
5 in my life before. He had total power over me. He made
6 the decision. I had the feeling I was wax in his hand.

7 He told me that I had to forget and stop talking
8 about my friends, my family and that I had to show a
9 certain degree of maturity. And if I wanted to become a
10 successful professional woman, I had to say goodbye to my
11 past.

12 And he kept saying that if things didn't work --
13 didn't go the way he wanted them to go, he would stop
14 investing in me and that would be to my great
15 disadvantage.

16 Q. During the time that this was happening, did you feel
17 like you were able to say no to him?

18 A. No, not really. Today I think I could have said no
19 but back then, I was just out of school. I was not able
20 to do that.

21 Q. Was there ever a time in the defendant's bedroom
22 where he physically held you down in the bed?

23 A. Yes, when the three of us were together in the
24 bedroom; Joanna, he and myself.

25 Q. And can you describe what happened please?

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1 A. That was when he kissed my breast and he put his
2 weight on me. And when he asked Joanna to also kiss my
3 breast, he really put his entire body on me and I tried
4 to get away from him, but he was so heavy and so strong,
5 I couldn't do it.

6 Q. But what did you do, if you could just describe
7 physically what you did to try to get away from him?

8 A. So he, I really pushed -- tried to push him away and
9 he noticed that, he felt that and he said again I should
10 stop being so selfish and that I should let him do.

11 And if I may, I would like to add a personal note
12 here. May I?

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Ms. Yagoub - Direct - Mr. Spector

1 MR. SCHNEIDER: Judge, I am going to object.

2 May we have a side-bar?

3 (Conference held at side-bar.)

4 MR. SCHNEIDER: I think the witness is going to
5 testify that when she -- she has a boyfriend now. When
6 she's in bed with him and he lies on top of her, she has
7 a psychological reaction because of what the defendant
8 did. And I object to that. I think it's an appeal to
9 the sympathy of the jury. I think it's irrelevant as to
10 what happened in 2006.

11 MR. SPECTOR: That's the first I've heard of
12 that. I've never heard the witness tell me that.

13 MR. SCHNEIDER: It's in the 3500 but we can --

14 MS. JAGER: She's never said that or --

15 MR. SCHNEIDER: Oh, I'm sorry, she said that to
16 Mr. Silverman when he interviewed her last week.

17 MS. STONE: We don't have those notes.

18 THE COURT: Paula, could you tell her to answer
19 the question in German to the interpreter? And then have
20 the interpreter come here and tell us what she said.

21 THE INTERPRETER: Yes, the reason why I
22 remember this moment in Joseph's bedroom so well when he
23 tried to push me down and I tried to resist is that six
24 months later, I had this boyfriend with whom I am still
25 together. And just jokingly, he did the same thing. He

Ms. Yagoub - Direct - Mr. Spector

1 tried to push me down and didn't let me go. And I had a
2 nervous breakdown. I had to cry and he knew this whole
3 story what had happened to me with Joseph. So at first
4 he didn't understand but then I explained to him and
5 that's how I remember how horrible this feeling was the
6 first time I had to go through this situation.

7 MR. SPECTOR: Judge, an element of forced labor
8 is psychological harm. This is direct evidence of the
9 psychological harm inflicted by the defendant. It's in
10 the statute.

11

12 MS. CESARE: That's not exactly correct. You
13 want me to grab it?

14 THE COURT: How much more do you have with her?

15 MR. SPECTOR: Half an hour.

16 THE COURT: Let's finish. We'll get to this
17 later.

18 MR. SPECTOR: Okay.

19 THE COURT: For the moment, we'll go on to the
20 next.

21 MR. SPECTOR: All right. I have the --

22 MR. SCHNEIDER: You'll just move on?

23 MR. SPECTOR: Next question?

24 THE COURT: You leave me this.

25 MR. SPECTOR: If I could pick it up at the end

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1 of the day. Thank you, Judge.

2 (Conference concludes at side-bar.)

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Ms. Yagoub - Direct - Mr. Spector

1 THE COURT: Okay. We're going to put the
2 personal statement aside for the moment and the assistant
3 will continue.

4 Q. Ms. Yagoub, were you sometimes able to send e-mails
5 to friends and family while you were staying at the
6 defendant's house?

7 A. In the beginning, yes. In the beginning, it was
8 possible.

9 Q. And did you tell them about everything that was going
10 on in the house?

11 A. No, I didn't tell them everything that happened.

12 Q. Why not?

13 A. Well, I mostly talked about the work because I had
14 come to this new continent, far away to work and both my
15 mother and my brother, they believed in me, they trusted
16 me. They had taken me to the airport when I left for the
17 United States. And I wrote to them and between the
18 lines, I maybe mentioned this or that but I was so
19 ashamed, I was so embarrassed that I really didn't go
20 into any details at all.

21 Q. Did there come a time you decided you wanted to leave
22 the defendant's home?

23 A. Yes.

24 Q. Why did you decide you wanted to leave?

25 A. Because it all became too much. I knew I just

Ms. Yagoub - Direct - Mr. Spector

1 couldn't continue this way. And nothing changed. Things
2 just continued happening. They had been happening.

3 Q. Did you have a return ticket home at that point?

4 A. No, I didn't have that anymore.

5 Q. What had happened to the return ticket you had when
6 you came to the United States?

7 A. It had expired shortly after I had arrived.

8 Q. Why didn't you use the ticket before it expired?

9 A. Because the ticket had expired early on, a few days
10 after I had arrived and things hadn't been so bad,
11 weren't so bad then.

12 Q. Was that before the defendant started calling you
13 into his room during naps?

14 A. Yes.

15 Q. At the time you decided to leave the defendant's
16 home, did you know anyone in the United States other than
17 the people living in his house?

18 A. No one.

19 Q. When you decided to leave or when you first decided
20 to leave, did you tell the defendant?

21 A. Yes.

22 Q. And how did he react?

23 A. Well, he came into my room and I had started packing
24 my bags and he said, "What? You want to leave?" And
25 sort of condescendingly, ironically, he said "Where can

Ms. Yagoub - Direct - Mr. Spector

1 you possibly go? And you don't even have any money."

2 Q. And what did you do after he told you that?

3 A. I put my clothes back into the closet.

4 Q. Why was that?

5 A. Well, we had a longer conversation and at the end I
6 realized that what he said was right. I didn't know
7 where to go. I didn't know anybody. I did not have a
8 return ticket. I didn't know anybody in New York City.
9 And I convinced myself that I will somehow make it.

10 And he kept talking about that he was willing to
11 invest in me and that he was going to help me. So he
12 convinced me to stay.

13 Q. After that, did there come a time you again decided
14 you wanted to leave?

15 A. Yeah, there came another time and I just couldn't
16 keep doing what I was doing. I decided to leave.

17 Q. How long after the first time you decided to leave
18 was that?

19 A. Shortly thereafter, maybe a few days, maybe a week
20 but not more.

21 Q. How did the defendant react the second time when you
22 told him you wanted to leave?

23 A. We were in the kitchen and again he said, "Well,
24 where will you go? You have no money. What do you want
25 to do?" And I said "Well I will find a way. I will

Ms. Yagoub - Direct - Mr. Spector

1 leave."

2 Q. What happened next?

3 A. So he took me to the train station.

4 Q. Did anyone else --

5 A. It was like a half an hour drive or maybe twenty
6 minute drive, so I couldn't get there by myself.

7 Q. Did anyone else come in the car with you?

8 A. Joanna.

9 Q. What happened when you got to the train station?

10 A. I got out of the car. Joanna stayed in the car. So
11 he told Joanna, I believe, to stay in the car and he got
12 out of the car, got my bags out of the trunk, took me to
13 the platform. The train was there, arrived right away.
14 And I got on the train and I was carrying one bag. He
15 was carrying the other bag. And when I got on the train,
16 he sort of threw that bag after me.

17 And the platform was right where he had parked the
18 car and I saw Joanna through the car window and I would
19 have liked to say goodbye or exchange -- or get her
20 e-mail address. I didn't even know her last name but he
21 didn't let that happen. And then he just said
22 condescendingly, he said, "Bye." And the door, the train
23 door closed right away and that was it.

24 THE COURT: All right.

25 Q. Did you have a plan at that point? I'm sorry.

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1 THE COURT: I thought this was a reasonable
2 breaking point.

3 MR. SPECTOR: That's fine, Judge.

4 THE COURT: So, we'll resume tomorrow at 10
5 o'clock, ladies and gentlemen.

6 (Jury excused.)

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1 THE COURT: All right. You can step down.

2 THE INTERPRETER: Can we leave the book and --

3 THE COURT: Yes, you can leave it.

4 (Witness excused.)

5 THE COURT: Do you want to come up for a
6 minute? The statute that you've shown me, Section
7 1589(a) deals with the means used not to the after
8 effects that the conduct of the defendant has.

9 MR. SPECTOR: That's correct, Judge, but I
10 think the after effects go to show the means used.

11 THE COURT: I think it's a stretch. I'm going
12 to sustain the objection. As I said, there are times
13 when these objections are -- I let it in or whether I
14 don't let it in doesn't matter with anything because it
15 doesn't add anything to the underlying credibility of her
16 testimony. Either the jury believes that her testimony
17 as to what happened or it doesn't. And the fact that she
18 says that he had some sort of a psychological impact on
19 her later on, really doesn't add anything to it except a
20 point in an appellate brief which you'll spend a half
21 hour addressing because you wouldn't have thought of this
22 argument.

23 MS. STONE: Your Honor, can we just ask the
24 Court one other issue? The defense had moved to preclude
25 evidence concerning au pair profiles, that one of the

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1 witnesses has already testified to collecting as part of
2 her job responsibilities. Laura Ramirez provided
3 testimony as to that, as well as in addition --

4 THE COURT: When did she testify?

5 MR. SPECTOR: Yesterday.

6 MS. STONE: Yesterday. And as well as a box of
7 au pair -- two boxes of au pair questionnaires. And it
8 is possible that the government will be calling tomorrow
9 a state police investigator who collected that evidence
10 and we were hoping that the Court might provide us with a
11 ruling, so we'll know whether he'll be able to enter that
12 evidence.

13 THE COURT: And that evidence is what again?

14 MS. STONE: The evidence is three boxes that
15 were collected during the search of the defendant's home
16 and there was one --

17 THE COURT: And what was in the box that you
18 want to offer?

19 MS. STONE: Two boxes are au pair
20 questionnaires that the defendant has always maintained
21 was part of a book he was working on, part of the work
22 that the women were asked to do in the house in terms of
23 collecting the questionnaires, and in addition, there's a
24 box of au pair profiles. And there's already been
25 testimony in the case that Ms. Ramirez's job

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1 responsibilities included the collection of these
2 profiles.

3 THE COURT: Okay. So?

4 MS. CESARE: The government, I expect will also
5 attempt to enter into evidence --

6 THE COURT: Why do you want to add?

7 MS. CESARE: Why do I want to --

8 THE COURT: Why do you want to add? Do you
9 want to give them any ideas? Mr. Spector doesn't require
10 much.

11 MS. CESARE: Well, you know --

12 MR. SPECTOR: I'll take that as a compliment,
13 Judge.

14 MS. CESARE: So, all right. So, can the
15 government clarify which exhibits they want to offer into
16 evidence because we have a list of 16.

17 MS. STONE: I'm sorry, concerning investigator
18 merit?

19 MS. CESARE: No.

20 MR. SCHNEIDER: No.

21 THE COURT: Concerning what you were just
22 talking about.

23 MR. SCHNEIDER: What exhibit numbers are they?

24 MS. STONE: Oh.

25 MR. SPECTOR: If we can have one moment, I

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1 think we can clarify that.

2 (Counsel confer)

3 MS. STONE: The two exhibits that we are
4 talking about are Exhibits 1 and 2. And also -- well at
5 a later, through a different witness, it would also be an
6 Excel spreadsheet that was generated by the defendant
7 from these questionnaires. And that would be Exhibit 4.

8 MR. SCHNEIDER: Judge, our position is it's
9 cumulative. First of all, it's not really an issue
10 whether the women did the computer work there. We
11 concede that and we concede it in our argument.

12 Our fear is not only that it is cumulative and
13 it will confuse the jury, our other fear is that
14 inappropriate arguments will be made about these
15 documents. They were researched for a book. None of the
16 women who testified were contacted with the
17 questionnaires that the government intends to introduce.
18 I don't think there's any information that anybody -- any
19 au pair was contacted by the questionnaires that were
20 completed, get it and send it back.

21 And I fear that the government will make an
22 argument that here we have 7,000 girls who he's fishing
23 to do the same thing to. I think that's an inappropriate
24 argument.

25 THE COURT: These are filled out

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1 questionnaires?

2 MR. SCHNEIDER: Yes. Yes, he was contemplating
3 a book and he would send questionnaires to people listed
4 on au pair sites about their personal information, you
5 know, their age, the country they lived in and they would
6 send them back. And he was collating the information.

7 But --

8 THE COURT: He may also have been using the
9 ones that he thought were -- that he wanted to for this
10 scheme that he was engaged in.

11 MR. SCHNEIDER: Well, that's the part that we
12 object to because there's no evidence of that and it
13 would be, I think inappropriate 404(b) evidence, allowing
14 the government to argue oh, and by the way, not only did
15 he molest these six or eight women, how many of them
16 they're going to call, but he was looking to do it again.
17 I think that's an inappropriate argument and I don't
18 think it adds anything to their case that they're going
19 to present to this jury.

20 THE COURT: That's the argument you want to
21 make?

22 MR. SPECTOR: That is absolutely part of the
23 argument that we intend to make from these. It's an
24 entirely appropriate argument to make from the evidence.
25 What the defense just articulated is a classic example of

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1 something that goes to weight, not admissibility.
2 They're entitled to make that argument before the jury
3 and we can make our argument but that's not a reason to
4 preclude it from coming into evidence.

5 MR. SCHNEIDER: I guess I don't see how it's
6 anything other than propensity to do this.

7 MR. SPECTOR: It's not propensity, it's part of
8 the evidence of the defendant's intent because while the
9 scheme was going on, he was trolling the internet, honing
10 his craft to try to find women who he could induce to
11 come over to sexually abuse them. Go ahead.

12 MS. JAGER: And the questions that he's asking
13 in the questionnaire, we submitted a blank questionnaires
14 in connection with the motion that we filed on this, the
15 questions that he's asking in the questionnaire are very
16 similar to the questions and the type of conversations he
17 engages in the victims that the Court and the jury's
18 already heard from in terms of trying to understand
19 personal details and we'd make the government's position
20 that this was all part of his research and his intent of
21 honing his craft and picking women who would be
22 vulnerable victims. We should be permitted to make that
23 argument to the jury.

24 THE COURT: Well how many questionnaires do you
25 have?

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1 MS. STONE: Your Honor, there are two boxes
2 filled with questionnaires. We would only be using
3 through the investigator, we would introduce the boxes
4 and we would ask him to explain what one of the
5 questionnaires say as an example. That's all. It's a
6 very brief amount of testimony that I would not
7 anticipate would take more than a few minutes.

8 THE COURT: Well I am not concerned about the
9 briefness of the testimony.

10 MR. SCHNEIDER: But it is approximately 7,000
11 questionnaires or pages. I don't know if there are more
12 than one page apiece but it's thousands.

13 MS. CESARE: Each question was --

14 MS. JAGER: It's not 7,000. It's approximately
15 7,000 pages worth of documents but it's not that many
16 questionnaires. And it's not just --

17 THE COURT: How many questionnaires are there?

18 MS. JAGER: I don't know off the top of my
19 head.

20 MS. CESARE: Maybe about a thousand.

21 MS. JAGER: In addition, it's not just
22 questionnaires, it's profiles. There was extensive
23 testimony from all of the victims about how they posted
24 profiles on these au pair websites and that they were
25 contacted via these profiles by the defendant. In fact,

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1 one of the government's exhibits, Government Exhibit 2,
2 he was -- Anne Rosa Simonsen's profile that he had in his
3 possession. He's using -- he's going to the same
4 internet sites, the same websites that he found his
5 victims on to do this supposed research. It's our
6 position that there was no research. If the defense
7 wants to argue otherwise that this was another book, then
8 they're permitted to do so but it's our position this was
9 all part of his scheme to find victims. Excuse me and I
10 misspoke, it was 3-I and not 2.

11 MR. SPECTOR: Exhibit 3-I.

12 THE COURT: I don't see this -- I mean
13 obviously whenever you admit evidence that could be used
14 to show propensity, you have to do a weighing process and
15 one of the things you have to ask aside from weighing is
16 whether it's really being offered to show propensity or
17 to show conduct that's relevant independently. And it
18 seems to me that this is part of the overall conduct in
19 which he engaged and I'll allow it.

20 If you want me to give a limiting instruction,
21 I'll give a limiting instruction but --

22 MR. SCHNEIDER: I do want a limiting
23 instruction.

24 THE COURT: I see this -- what?

25 MR. SCHNEIDER: We would request a limiting

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1 instruction.

2 THE COURT: Write it out. I'll be happy to
3 give it.

4 MR. SCHNEIDER: Okay.

5 MS. JAGER: Thank you, your Honor.

6 MR. SPECTOR: Thank you, Judge.

7 Judge, just for scheduling purposes, do you
8 know how late you expect to go tomorrow?

9 THE COURT: Yes, no later than 5:30. I have to
10 go to Staten Island.

11 THE CLERK: We'll also be taking a late lunch
12 again.

13 THE COURT: Yes, we're going to break --

14 THE CLERK: A 2 o'clock lunch.

15 MS. CESARE: What witnesses do you --

16 THE COURT: At 2:15. I'm going to break at
17 2:15.

18 (Matter adjourned)

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C E R T I F I C A T E

I, LINDA FERRARA, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this
24th day of May, 2011.



Linda Ferrara

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